FSA
HANDBOOK

Agricultural Resource Conservation Program

To access the transmittal page click on the short reference.

For State and County Offices

SHORT REFERENCE

2-CRP
(Revision 5)

UNITED STATES DEPARTMENT OF AGRICULTURE
Farm Service Agency
Washington, DC 20250

UNITED STATES DEPARTMENT OF AGRICULTURE
Farm Service Agency
Washington, DC 20250

Agricultural Resource Conservation Program 2-CRP (Revision 5)	Amendment 17

Approved by: Deputy Administrator, Farm Programs

Amendment Transmittal

A Reason for Amendment

Subparagraph 151 D has been amended to:

- be consistent with the technical correction to 7 CFR 1410.6
- provide that land under other easements, or other legal restrictions, that require a resource-conserving cover be maintained throughout any part of the proposed contract period is ineligible to be re-enrolled into CRP.

Page Control Chart		
TC	**Text**	**Exhibit**
	6-65, 6-66	

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Part 1 Basic Provisions

1 Overview

A Handbook Purpose

This handbook provides CRP policies and instructions to FSA State and County Offices and NRCS Regional, State, Area, and Field Offices for:

- adhering to general provisions and carrying out FSA responsibilities
- maintaining useful life easements
- approving CRP-1's
- making annual rental payments
- performing other CRP activities
- C/S policies.

2 Implementing CRP

A Introduction

This part provides the following:

- CRP:
  - sources of authority
  - objective
  - emphasis
- a list of related handbooks
- information on:
  - voluntary participation
  - CRP forms
  - who shall have access to farm and farm records
  - relief actions
  - restrictions on lobbying activities.

B Voluntary Participation

A producer who purchases land enrolled in CRP shall **not** be required to participate in CRP.

3 Authority, Program Objective, and Emphasis

A Sources of Authority

Sources of authority for CRP are:

- the Food Security Act of 1985, as amended
- 7 CFR Part 1410
- annual appropriations acts.

B CRP Objective

CRP's objective is to cost-effectively assist owners and operators in conserving and improving the nation's natural resource base.

C CRP Emphasis

CRP is a natural resource program that:

- protects the nation's soil, water, and wildlife resources
- improves and preserves water quality
- enhances fish and wildlife habitat
- addresses issues raised by State, regional, and national conservation initiatives.

4 Related Handbooks, Manuals, and Forms

A Related Handbooks and Manuals

The following provides handbooks and manuals related to CRP.

Handbook or Manual	Purpose
1-APP	Appeals.
1-AS	Supplementing CRP provisions.
3-AS	Clearing forms.
25-AS	Records management.
1-CM	Common management provisions.
2-CM	Common farm and program provisions.
3-CM	Farm, tract, and crop data.
1-CONSV	Processing forms related to CRP.
1-COR	Quality control.
2-CP	Acreage compliance determinations.
4-CP	Payment reductions and violations.
6-CP	Highly erodible land conservation and wetland conservation provisions.
7-CP	Finality rule and misaction/misinformation.
1-DCP	Direct and counter-cyclical payments.
1-EQ	Environmental Quality Programs.
1-FI	Making CRP payments.
3-FI	Handling receipts and deposits.
50-FI	Prompt payment interest rates.
58-FI	Handling claims.
61-FI	Prompt payment provisions.
62-FI	Nonresident alien income tax.
63-FI	Assignments and joint payments.
64-FI	National Receipts and Receivables System collections and receivables. **Note:** A revision to 64-FI is forthcoming

4 Related Handbooks, Manuals, and Forms (Continued)

A Related Handbooks and Manuals (Continued)

Handbook or Manual	Purpose
2-IC	Internal review and control.
2-INFO	Providing information to the public.
3-INFO	Privacy Act.
1-PL	Common payment limitation provision for CRP-1's approved after July 31, 1988, and **before** October 1, 2008.
4-PL	Common payment limitation provisions for CRP-1's approved **after** September 30, 2008.
DM 9500-1	CRES procedures.
National Planning Procedures Handbook	Conservation planning requirements.
National Food Security Act Manual	Highly erodible land and wetland determinations and delineations.
General Manual 180, Part 409	Conservation planning.
General Manual 190, Part 401	National Environmental Policy Act.
General Manual 300, Part 405	Conservation planning assistance.
General Manual 450, Part 407	Quality assurance.
Field Office Technical Guides	Technical criteria.

The following provides web sites for guides related to CRP.

Web Site	Guide
http://fsaintranet.sc.egov.usda.gov/ffas/dafp/cepd/Continuous/CRP%20Software%20User%20Guide%20ver%201.0.pdf	Continuous CRP Offer Guide
http://fsaintranet.sc.egov.usda.gov/ffas/dafp/cepd/SAFE/DRAFT_SAFE_User_Guide_Version1.pdf	SAFE User Guide
http://fsaintranet.sc.egov.usda.gov/ffas/dafp/cepd/GIS/TERRA_V_2_0_15_User%20Guide.pdf	TERRA User Guide
http://fsaintranet.sc.egov.usda.gov/ffas/dafp/cepd/GIS/TERRA_COLS_Downloader_User_Guide.pdf	TERRA/COLS Downloader Guide
http://fsaintranet.sc.egov.usda.gov/ffas/dafp/cepd/CRP/PaymentsCountyGuide.pdf	Conservation Payments County User Guide
http://fsaintranet.sc.egov.usda.gov/ffas/dafp/cepd/CRP/PaymentsStateGuide.pdf	Conservation Payments State User Guide

4 Related Handbooks, Manuals, and Forms (Continued)

B Adding or Withdrawing Provisions

State supplements to the handbook shall **not** be less or more restrictive than the provisions of this handbook; however, State-specific amendments may be made that are consistent with CRP provisions. For permanent directives, the following guidelines **must** be followed:

- issue a permanent State Office directive **only** as a supplement to this handbook

  Note: Do **not** create a separate State handbook.

- do **not** rewrite or elaborate on unclear or incomplete national instructions

- do **not** modify national wording when adding supplemental information.

State Offices may supplement these handbook instructions according to 1-AS.

Note: Periodically, the National CRP Program Manager may select State amendments for review.

C Using Forms

Use national forms when applicable.

Other forms used for CRP may be:

- modified, according to the applicable exhibits
- developed as needed
- submitted for clearance and approval according to 3-AS.

5 Access to Farm and Farm Records, Relief Actions, and Appeals

A Access to Farm and Farm Records

Authorized representatives of the Secretary shall have access to farm and farm records to:

- make eligibility determinations
- determine compliance with this handbook's provisions.

B Procedure Waiver by DAFP

Unless prohibited by statute, DAFP may waive any provision in this handbook.

Exception: The waiver provision is **not** a substitute for:

- appeal provisions in 1-APP
- misaction or misinformation provisions in 7-CP.

C Request for Meritorious Relief

STC may authorize meritorious relief to an applicant based on a producer's request, documented justification, and COC recommendation **only** within the authorities delegated to it by CRP-1 and attachments or this handbook.

COC may submit to STC fully documented requests for relief from complying with the CRP-1 terms and conditions.

Note: A COC written request submitted to STC for relief **must** describe the basis and justification for the request.

D Administrative Appeals

Handle all appeals, including appeals for technical determination made by NRCS or TSP, according to 1-APP.

CRP participants may request and receive a copy of the administrative appeal procedures in 1-APP.

Note: Items, such as formulas and SRR's, that are applied generally to all producers are not appealable.

See CRP-35 (Exhibit 5) for notification of offer reconsideration because of redetermination.

6 Restrictions on Lobbying Activities

A Applicability

The disclosure requirements apply to all AD-245 applications for C/S payments filed and disbursed since December 23, 1989.

B Complying With Lobbying Disclosure Requirements

To comply with lobbying disclosure requirements, applicants for and recipients of a CRP C/S payment exceeding $100,000 **must** file, with the County Office, either of the following for **each** C/S payment that exceeds $100,000:

- CCC-674 (Exhibit 6), if they have not used or will not use monies received for lobbying purposes

- SF-LLL (Exhibit 6), if they have used or will use monies received for lobbying purposes.

  Note: Complete SF-LLL-A (Exhibit 6) if needed.

C Providing Forms

Each time a single CRP C/S payment exceeds $100,000, County Offices shall:

- send a copy of CCC-674, SF-LLL, and SF-LLL-A to the recipient with instructions to complete and return the applicable form or forms to the County Office within 10 workdays

- if a response is not received within 10 workdays, request a refund of payment according to 58-FI.

  Note: If an amount less than the C/S amount was repaid, send a demand letter, according to 58-FI, to collect the difference between full C/S repayment and the amount repaid.

6 Restrictions on Lobbying Activities (Continued)

D Forwarding and Filing Forms

County Offices shall:

- forward a copy of the completed forms to OAS, through State Offices and DAFO
- file the original of the completed forms in the County Office in folder entitled “CRP4 Contract Folders”.

E Disbursing Payments

County Offices shall not:

- disburse CRP C/S payments exceeding $100,000 until the applicant has returned the completed applicable form to the County Office
- issue multiple payments to avoid the requirements in subparagraph B.

F Unusual Situations

County Offices shall contact FMD, through State Offices and DAFO, for assistance if situations arise that are not covered in this paragraph.

7 CCC-770 Checklists Policy

A New Policy on Required Use of CCC-770 Checklists

CCC-770 checklists:

- are **no** longer required based upon policies and procedures issued previously by the National Office

- shall be considered as management tools to help address deficiencies identified by a review or spot check of whether program policies or procedures are being followed before issuing CRP payments

Note: A National Report providing for a State's summary of the applicable CCC-770 checklists completed within the State is **no** longer required to be submitted to the National Office.

This policy does not negate STC, SED, State Office, DD, COC, and County Office responsibility for administering all provisions applicable before disbursing a program payment.

B Action

SED, STC or designee, DD, or CED shall determine:

- when County Offices are to complete CCC-770 checklists if apparent internal control deficiencies are found during CED, STC representative, or DD reviews

- whether the applicable CCC-770 checklist is necessary to avoid findings indicated by CORP reviews

- when additional internal controls are necessary to reduce improper payments.

8-17 (Reserved)

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Part 2 Responsibilities

Section 1 Agency Responsibilities

18 Responsibilities

A FSA Responsibilities

FSA shall administer CRP. Supervision shall be provided by:

- STC to COC
- COC to County Offices for the day-to-day CRP operations.

B NRCS Responsibilities

NRCS will, as appropriate, participate in State-level technical determinations and policy reviews, such as evaluating soil payment rates, C/S policies, and other requirements.

C NRCS and TSP Responsibilities

NRCS and TSP will:

- develop an approved conservation plan
- assist participants to ensure that practice specifications are met
- provide FSA with the following:
  - certification of practice completion
  - copy of completed annual status review
- through State Foresters:
  - develop the tree planting plan for:
    - inclusion in the approved conservation plan
    - approval of the Conservation District

18 Responsibilities (Continued)

C TSP Responsibilities (Continued)

- provide technical assistance for the tree planting practices
- monitor and certify practice completions
- develop landowner stewardship plans for converted CRP-1's.

D NIFA Responsibilities

NIFA will coordinate and conduct educational activities on CRP through the State Extension System.

E Conservation Districts Responsibilities

Conservation Districts will have the opportunity to approve conservation plans.

19 MOU and Memorandums of Agreement

A Approving Officials

All MOU and Memorandums of Agreement, other than those in Exhibit 9 to administer CRP, require prior DAFP or Executive Vice President, CCC, approval.

B NRCS Memorandum of Agreement

See Exhibit 9 for a copy of the approved Memorandum of Agreement between NRCS, FSA, and CCC.

C FS Memorandum of Agreement

See Exhibit 9 for a copy of the approved Memorandum of Agreement between FS, FSA, and CCC.

20-30 (Reserved)

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31 STC Administrative Responsibilities

A STC Responsibility

Within the authorities and limitations in this handbook, STC shall:

- direct the administration of CRP
- document actions taken in minutes or other written records
- approve State research projects
- determine whether meritorious relief is applicable on a case-by-case basis

  Note: All cases submitted to DAFP for relief shall contain the following:

  - copy of participant's written request for relief
  - copy of COC and STC minutes thoroughly documenting request and justification
  - copy of all applicable forms and documents in the case file, including but not limited to CRP-1's, CRP-2's, copy of aerial photocopies, conservation plans, land deeds, etc.
  - all documentation used by COC and STC during review
  - narrative of the case in chronological order.

- upon recommendation from the County Office, designate areas of the State where the use of tree shelters, netting, plastic tubes, or other animal damage control devices are ***--**warranted and cost-effective on CP3A, CP5A, CP16A, CP22, CP23, CP27, CP28, CP30, CP39, CP40, or CP41**--***

  Note: Incomplete case files may delay response.

  Note: See paragraph 491 and Exhibit 11.

- establish the primary nesting or brood rearing season for wildlife in consultation with the State Technical Committee, see subparagraph 664 A.

  Note: Establishment of the primary nesting or brood rearing season shall not be delegated to COC's or County Offices.

31 STC Administrative Responsibilities (Continued)

A STC Responsibility (Continued)

If STC does not establish dates as recommended by the State Technical Committee, STC **must**:

- submit dates to CEPD for approval
- include justification to support the dates not recommended by the State Technical Committee.

B STC Delegating Responsibility

STC may delegate an official representative to sign documents.

C Retaining Easement Forms

Although useful life easements are not required after the tenth CRP signup, State Offices shall retain all versions of easement forms on file.

32 SED Responsibilities for CRP

A SED Responsibilities

SED's shall:

- ensure that all County Offices follow provisions in this handbook
- require reviews to ensure that County Offices comply with requirements established by the National and State Office
- ensure that County Offices publicize CRP provisions
- review 7-CP for equitable relief provisions.

33 DD Responsibilities for CRP

A DD Responsibilities

DD's shall:

- ensure that COC's and CED's follow provisions in this handbook
- review County Office procedures to ensure that County Offices comply with requirements established by the National and State Office
- provide SED with a written report of all reviews
- review and approve CRP-1's according to paragraphs 401 and 519.

34 COC Policies and Responsibilities

A Establishing and Maintaining Policy

COC shall establish local policies that conform to national and State CRP policies.

National practices **shall** be offered in the State CRP unless STC determines that the practice is not applicable to the State. See Exhibit 11.

Practice specifications shall be maintained for all practices.

B COC Responsibilities

COC shall:

- fully comply with national and State CRP policies
- document actions taken in COC minutes
- document recommendations for relief to STC according to this handbook and 4-CP
- ensure that successors-in-interest to CRP-1's meet requirements in 1-PL or 4-PL, as applicable
- ensure that County Office employees adhere to provisions and instructions in this handbook
- ensure that participants are taking necessary actions to establish scheduled conservation practices

34 COC Policies and Responsibilities (Continued)

B COC Responsibilities (Continued)

- ensure that producers receive complete, accurate, and timely program information about CRP by providing information through:

  - program leaflets, newsletters, and print media
  - meetings
  - radio, television, and video

- document actions taken in COC minutes and include the following:

  - all factors considered
  - justification of all determinations
  - reference to applicable handbook procedures.

Note: See paragraph 603 for noncompliance.

35 CED Responsibilities for CRP

A CED Responsibilities

CED's shall:

- approve AD-245 for the following:

  - conservation practices
  - changes in extent and C/S, including increases if supported by NRCS or TSP

- extend the time to complete practice or report performance

- determine the following:

  - sufficiency of signatures
  - authority of persons signing in a representative capacity
  - contributions of individual or individuals sharing in establishing the practice
  - estimate for report of accomplishment
  - eligible cropland acres
  - ***--**eligible marginal pastureland acres
  - reviewing and verifying documentation submitted to determine cropping history**--***

- approve conservation plans

35 CED Responsibilities for CRP (Continued)

A CED Responsibilities (Continued)

- approve CRP-1 and CRP-1R, except for CRP-1's involving lands owned by STC, COC, CED, or other County Office employees
- approve CRP-1G Addendum
- ensure that County Offices follow provisions issued by COC, DD, State Offices, and this handbook
- ensure that all automated processes are completed in a timely manner
- report incorrect software calculations, discrepancies, and problems to SED, through DD
- report to SED and the State Office Program Specialist, through DD, incomplete or incorrect procedures in this handbook
- ensure that all pertinent information and program deadlines are publicized
- ensure that signature deadlines are carefully monitored for reconstituted farms, designating payment shares, and necessary supporting documentation, such as AD-1026, ***--**CCC-502, CCC-526, CCC-901, CCC-926 as applicable, CCC-931, or CCC-933, as applicable.**--***

36 PT Responsibilities for CRP

A PT Responsibilities

PT's shall:

- follow the provisions in this handbook
- report the following to CED:
  - incorrect software calculations and discrepancies
  - incomplete or incorrect procedures in this handbook.

37 Written Documentation

A COC Actions

COC shall document determinations by recording in the COC minutes and completing any of the following as applicable:

- having a member sign the form
- making a note on the document
- attaching COC member's signed statement to the document
- ensuring a statement is in COC minutes.

B County Office Employee Action

County Office employees shall ensure that facts obtained, or actions taken, are made a matter of written record by:

- recording the facts or actions on either of the following:
  - the document
  - a statement attached to the document
- signing or initialing and dating the document.

38 Redelegations of Authority

A Prohibited Redelegations

COC shall **not** redelegate the following:

- actions and determinations involving lands owned by STC, COC, CED, or other County Office employee
- determining violations of CRP-1's
- determining violations of landlord and tenant provisions
- hearing appeals
- appeal decisions.

39 (Withdrawn--Amend. 2)

40 CED Responsibilities

A Nondelegated Responsibilities

Without formal delegation, and as part of the daily office operations, CED or program assistant designee shall:

- issue AD-245 to participants
- send referrals to TSP or NRCS
- approve AD-245 for payment
- prepare forms for C/S payments
- compute C/S and rental payments
- maintain and update changes in land ownership in SCIMS and Farm Records file
- renumber fields redefined for CRP according to 2-CP
- maintain cropland classification for acres devoted to trees for the life of CRP-1
- determine value of refunds, interest, and liquidated damages, when applicable, and according to the provisions of this handbook
- inform landowners that CRP-1 expiration does not terminate the easement on the land under CRP-1. The landowner is responsible for removing the easement from the deed after the easement expires and written approval has been obtained from COC. COC shall **not** incur any expenses for removing the easement.

41-51 (Reserved)

Section 3 NRCS Agency Responsibilities

52 NRCS Responsibilities

A NRCS National Headquarters

The following provides the responsibilities of the NRCS National Office.

Position	Responsibilities
Deputy Chief for Programs	Provides overall national leadership for NRCS coordination of program development and implementation with FSA and other agencies.
Director, Conservation Operations Division	• Provides national program leadership, representing the NRCS Chief in maintaining liaison and working relationship with program leaders in FSA. • Provides policy and procedural guidance on CRP operations to NRCS State Offices. • Coordinates training for State and Regional CRP activities.

B NRCS Regional Offices

The Regional Conservationist is responsible for providing oversight and evaluation of CRP to ensure:

- consistency in the use of RUSLE and WEQ
- consistency with the water and wind erosion index
- technical adequacy of conservation planning
- technical adequacy of conservation treatment implementation.

52 NRCS Responsibilities (Continued)

C NRCS State Offices

State Conservationists provide leadership for NRCS activities associated with CRP activities in the State. State Conservationists:

- shall represent NRCS, and chair the State Technical Committee
- shall develop agreements with other Federal and State agencies, as applicable
- shall designate staff to carryout NRCS responsibilities at the State and field levels
- may transfer funds to Conservation Districts or other units of State or local government through cooperative agreements.

  Note: The application for funds **must** be made on SF-424-1 and forwarded to the State Conservationist by the unit of government.

D NRCS Area Offices

In States with Area Offices, or the equivalent, the Area Conservationist shall carryout NRCS responsibilities for CRP as delegated by the State Conservationist.

52 NRCS Responsibilities (Continued)

E NRCS Field Offices

The following provides the responsibilities of the District Conservationist.

Activity	Responsibility
Coordination and Representation	Coordinates responsibilities and represents NRCS with: • FSA • FSA COC • State Forestry Agency • State Wildlife Agency • Conservation Districts • other agencies, as appropriate.
Reporting and Records Management	Reports the following to FSA COC promptly: • findings that may affect an applicant's eligibility, including changes in cropping history or management • cases of apparent noncompliance with program requirements.
Planning and Application	Assists producers with the following: • developing a conservation plan that NRCS has technical responsibility for that contains all appropriate practices, including operation and maintenance • servicing up to 10 percent of AD-862's for which NRCS has technical responsibility for the assigned practices identified in the conservation plan • applying NRCS-assigned conservation practices for which NRCS has technical responsibility for ensuring that they meet FOTG standards • obtaining conservation district approval of conservation plans • coordinating planning of tree planting with the producer and State Forestry Agency representative for development of the tree planting plan to be referenced in the conservation plan (other approved electronic form).

52 NRCS Responsibilities (Continued)

E NRCS Field Offices (Continued)

Activity	Responsibility
Certification	Certifies on approved forms that the conservation plan meets minimum requirements before obtaining the Conservation District review and approval.
Completes Status Reviews	Completes status reviews, as applicable on up to 10 percent of all CRP-1's, according to paragraph 601.

F NRCS Employee Prohibitions

NRCS employees are prohibited from servicing CRP-1's on land that they, or their immediate family, own or lease. The Area or State Conservationist shall designate another NRCS employee to service such CRP-1's.

53-65 (Reserved)

Part 3 CRP Practices

66 National Practices

A National Practices and Titles

The following provides the national practices.

Practice	Title
CP1	Establishment of Permanent Introduced Grasses and Legumes
CP2	Establishment of Permanent Native Grasses
CP3	Tree Planting
CP3A	Hardwood Tree Planting
CP4B	Permanent Wildlife Habitat (Corridors), Noneasement
CP4D	Permanent Wildlife Habitat Noneasement
CP5A	Field Windbreak Establishment, Noneasement
CP8A	Grass Waterways, Noneasement
CP9	Shallow Water Areas for Wildlife
CP10	***--**Vegetative Cover - Grass - Already Established **1/**
CP11	Vegetative Cover - Trees - Already Established **1/--***
CP12	Wildlife Food Plot
CP15A	Establishment of Permanent Vegetative Cover (Contour Grass Strips), Noneasement
CP15B	Establishment of Permanent Vegetative Cover (Contour Grass Strips), on Terraces
CP16A	Shelterbelt Establishment, Noneasement
CP17A	Living Snow Fences, Noneasement
CP18B	Establishment of Permanent Vegetation to Reduce Salinity, Noneasement
CP18C	Establishment of Permanent Salt Tolerant Vegetative Cover, Noneasement
CP21	Filter Strips
CP22	Riparian Buffer
CP23	Wetland Restoration
CP23A	Wetland Restoration, Non-Floodplain
CP24	Cross Wind Trap Strips
CP25	Rare and Declining Habitat

--1/** Only eligible for enrollment before March 14, 2011.**--

66 National Practices (Continued)

A National Practices and Titles (Continued)

Practice	Title
CP27	Farmable Wetlands
CP28	Farmable Wetland Buffer
CP29	Marginal Pastureland Wildlife Habitat Buffer
CP30	Marginal Pastureland Wetland Buffer
CP31	Bottomland Timber Establishment on Wetlands
CP33	Habitat Buffers for Upland Birds
CP35A	Emergency Forestry - Longleaf Pine - New
CP35B	Emergency Forestry - Longleaf Pine - Existing
CP35C	Emergency Forestry - Bottomland Hardwood - New
CP35D	Emergency Forestry - Bottomland Hardwood - Existing
CP35E	Emergency Forestry - Softwood - New
CP35F	Emergency Forestry - Softwood - Existing
CP35G	Emergency Forestry - Upland Hardwood - New
CP35H	Emergency Forestry - Upland Hardwood - Existing
CP35I	Emergency Forestry - Mixed Trees - Existing
CP36	Longleaf Pine – Establishment
CP37	Duck Nesting Habitat
CP38A	SAFE - Buffers
CP38B	SAFE - Wetlands
CP38C	SAFE - Trees
CP38D	SAFE - Longleaf Pine
CP38E	SAFE - Grass
CP39	FWP Constructed Wetland
CP40	FWP Aquaculture Wetland Restoration
CP41	FWP Flooded Prairie Wetland
*--CP42	Pollinator Habitat--*

Notes: See Exhibit 11.

For SAFE practices, the title is determined by each State.

66 National Practices (Continued)

*--B CRP Practices for Signup 45

The following provides eligible practices and CRP-1 length for signup 45.--*

Practice	CRP-1 Length
CP1	10
CP2	10
CP3	10
CP3A	10 to 15 **1**/
CP4B	10 to 15 **1**/
CP4D	10
CP12 **2**/	10 to 15
CP25	10 to 15 **1**/
CP42	10

1/ Producer shall elect a contract period between 10 and 15 years.

2/ CP12 is only available in conjunction with certain other practices. The length of CRP-1 is determined by the practice used in conjunction with CP12. See Exhibit 11.

66 National Practices (Continued)

C CRP Practices for Continuous Signup

The following provides eligible practices and CRP-1 length for the continuous signup.

Practice	CRP-1 Length
CP1 **2**/	10
CP2 **2**/	10
CP3 **2**/	10
CP3A **2**/	10 to 15 **1**/
CP4B **2**/	10 to 15 **1**/
CP4D **2**/	10
CP5A	10 to 15 **1**/
CP8A	10
CP9	10
CP10 **4**/	10
CP15A	10
CP15B	10
CP16A	10 to 15 **1**/
CP17A	10 to 15 **1**/
CP18B	10
CP18C	10
CP21	10 to 15 **1**/
CP22	10 to 15 **1**/
CP23	10 to 15 **1**/
CP23A	10 to 15 **1**/
CP24	10
CP27	10 to 15 **1**/
CP28	10 to 15 **1**/
CP29	10 to 15 **1**/
CP30	10 to 15 **1**/
CP31	10 to 15 **1**/
CP33	10
CP35A-I	10 **3**/
CP36	10 to 15 **1**/
CP37	10 to 15 **1**/
CP38	Determined based on agreement.
CP39	10 to 15 **1**/
CP40	10 to 15 **1**/
CP41	10 to 15 **1**/
*--CP42	10--*

1/ Producer shall elect a contract period between 10 and 15 years.
2/ Practices eligible within approved wellhead protection areas only. See paragraph 181.
3/ Practices eligible only in States and counties authorized for EFCRP.
4/ Practice eligible within approved wellhead protection areas only and only eligible for enrollment before March 14, 2011.

66 National Practices (Continued)

D CRP Practices, Signup Types, Contract Lengths, and Incentives

The following provides CRP practices, signup types, contract lengths, and incentives.

Practice Number And Name	Continuous	General	Contract Length	SIP	PIP	Rental Rate Incentive	Maximum Maintenance Incentive Rate
CP1, Establishment of Permanent Introduced Grasses and Legumes	Wellhead	X	10	N	N **1/**	Y (10 percent) for wellhead only	
CP2, Establishment of Permanent Native Grass	Wellhead	X	10	N	N **1/**	Y (10 percent) for wellhead only	
CP3, Tree Planting	Wellhead	X	10	N	N **1/**	Y (10 percent) for wellhead only	
CP3A, Hardwood Tree Planting	Wellhead	X	10-15	N	N **1/**	Y (10 percent) for wellhead only	
CP4B, Permanent Wildlife Habitat Corridors - Noneasement	Wellhead	X	10-15	N	N **1/**	Y (10 percent) for wellhead only	
CP4D, Permanent Wildlife Habitat - Noneasement	Wellhead	X	10	N	N **1/**	Y (10 percent) for wellhead only	
CP5A, Field Windbreak Establishment - Noneasement	X		10-15	Y ***--**($10)	Y	Y (20 percent)	$2
CP8A, Grass Waterway - Noneasement	X		10	Y ($10)**--***	Y	Y (20 percent)	

1/ PIP is authorized for practices enrolled under wellhead protection criteria.

Note: For CREP, the *** * *** incentive rates are established according to the terms of each CREP agreement.

66 National Practices (Continued)

D CRP Practices, Signup Types, Contract Lengths, and Incentives (Continued)

Practice Number And Name	Continuous	General	Contract Length	SIP	PIP	Rental Rate Incentive	Maximum Maintenance Incentive Rate
CP9, Shallow Water Areas for Wildlife	X		10	N	Y	N	
CP10, **3/** Vegetative Cover, Grass Already Established	Wellhead	X	10	N	N **1/**	Y (10 percent) for wellhead only	
CP11, **3/** Vegetative Cover, Trees Already Established		X	10	N	N	N	
CP12, Wildlife Food Plot		X	10-15	N	N	N	
CP15A, Establishment of Permanent Vegetative Cover - Contour Grass Strip	X		10	N	Y	N	
CP15B, Establishment of Permanent Vegetative Cover - Contour Grass Strip on Terraces	X		10	N	N	N	
CP16A, Shelterbelt Establishment	X		10-15	Y *--($10)--*	Y	N	$2

1/ PIP is authorized for practices enrolled under wellhead protection criteria.

3/ Only eligible for enrollment before March 14, 2011.--*

66 National Practices (Continued)

D CRP Practices, Signup Types, Contract Lengths, and Incentives (Continued)

Practice Number And Name	Continuous	General	Contract Length	SIP	PIP	Rental Rate Incentive	Maximum Maintenance Incentive Rate
CP17A, Living Snow Fences - Noneasement	X		10-15	Y *--($10)--*	Y	N	$2
CP18B, Establishment of Permanent Vegetation to Reduce Salinity - Noneasement	X		10	N	Y	N	
CP18C, Establishment of Permanent Salt Tolerant Vegetative Cover - Noneasement	X		10	N	Y	N	
CP21, Filter Strip	X		10-15	Y *--($10)	Y	Y (20 percent)	$0, $4, $5
CP22, Riparian Buffer	X		10-15	Y ($10)	Y	Y (20 percent)	$2, $4, $5
CP23, 2/ Wetland Restoration	X		10-15	Y ($15)	Y	Y (20 percent)	
CP23A, 2/ Wetland Restoration, Non-Floodplain	X		10-15	Y ($15)--*	Y	Y (20 percent)	

2/ Incentives apply for contracts approved after November 3, 2008.

--Note:** Payments for CREP CRP-1 participants must adhere to the written CREP agreements. Changes made in PIP/SIP/WRI for CRP's general and continuous signup do not automatically apply to CREP's unless those agreements indicate that these payments shall be made "according to 2-CRP" or "consistent with National CRP directives" or similarly worded reference. CREP agreements which include specific payment provisions such as "25% WRI hydrology restoration payments shall be paid for practices CP23 and CP23A" must be adhered to as written.**--

66 National Practices (Continued)

D CRP Practices, Signup Types, Contract Lengths, and Incentives (Continued)

Practice Number And Name	Continuous	General	Contract Length	SIP	PIP	Rental Rate Incentive	Maximum Maintenance Incentive Rate
CP24, Establishment of Permanent Vegetative Cover as Cross Wind Trap Strips	X		10	N	Y	N	
CP25, Rare and Declining Habitat		X	10-15	N	N	N	
CP27, Farmable Wetlands Pilot Wetland	X		10-15	Y *--($10)	Y	Y (20 percent)	
CP28, Farmable Wetlands Pilot Buffer	X		10-15	Y ($10)	Y	Y (20 percent)	
CP29, Marginal Pastureland Wildlife Buffer	X		10-15	Y ($10)	Y	Y (20 percent)	$0, $4, $5
CP30, Marginal Pastureland Wetland Buffer	X		10-15	Y ($10)	Y	Y (20 percent)	$0, $4, $5
CP31, 2/ Bottomland Timber Establishment on Wetlands	X		10-15	Y ($10)--*	Y	Y (20 percent)	

2/ Incentives apply for contracts approved after November 3, 2008.

66 National Practices (Continued)

D CRP Practices, Signup Types, Contract Lengths, and Incentives (Continued)

Practice Number And Name	Continuous	General	Contract Length	SIP	PIP	Rental Rate Incentive	Maximum Maintenance Incentive Rate
CP33, Habitat Buffers for Upland Birds	X		10 * * *	Y *--($15)--*	Y	N	
CP35A, Emergency Forestry - Longleaf Pine- New	X		10	N	N	N	
CP35B, Emergency Forestry - Longleaf Pine- Existing	X		10	N	N	N	
CP35C, Emergency Forestry - Bottomland Hardwood - New	X		10	N	N	N	
CP35D, Emergency Forestry - Bottomland Hardwood - Existing	X		10	N	N	N	
CP35E, Emergency Forestry - Softwood - New	X		10	N	N	N	
CP35F, Emergency Forestry - Softwood - Existing	X		10	N	N	N	
35G, Emergency Forestry - Upland Hardwood - New	X		10	N	N	N	
35H, Emergency Forestry - Upland Hardwood - Existing	X		10	N	N	N	

66 National Practices (Continued)

D CRP Practices, Signup Types, Contract Lengths, and Incentives (Continued)

*--

Practice Number And Name	Continuous	General	Contract Length	SIP	PIP	Rental Rate Incentive	Maximum Maintenance Incentive Rate
35I, Emergency Forestry - Mixed Trees - Existing	X		10	N	N	N	
CP36, Longleaf Pine - Establishment	X		10-15	Y ($10)	Y	N	
CP37, 2/ Duck Nesting Habitat	X		10-15	Y ($10)	Y	Y (20 percent)	
CP38A, SAFE - Buffers	X		10-15	Y ($10)	Y	N	
CP38B, SAFE - Wetlands	X		10-15	Y ($10)	Y	N	
CP38C, SAFE - Trees	X		10-15	Y ($10)	Y	N	
CP38D, SAFE - Longleaf Pine	X		10-15	Y ($10)	Y	N	
CP38E, SAFE - Grass	X		10-15	Y ($10)	Y	N	
CP39, FWP Constructed Wetland	X		10-15	Y ($10)	Y	Y (20 percent)	
CP40, FWP Aquaculture Wetland Restoration	X		10-15	Y ($10)	Y	Y (20 percent)	
CP41, FWP Flooded Prairie Wetlands	X		10-15	Y ($10)	Y	Y	
CP42, Pollinator Habitat		X	10	N	N	N	
CP42, Pollinator Habitat	X		10	Y ($15)	N	N	

--*

2/ Incentives apply for contracts approved after November 3, 2008.

67-80 (Reserved)

Part 4 Total County Cropland

81 Cropland Limitation

A All CRP/WRP and CRP General Signup

The Food Security Act of 1985, as amended, requires that USDA not enroll more than 25 percent of the total cropland in a county in CRP, including Continuous, CREP, FWP, and WRP.

The following are 2 types of waivers to this limit.

- The Secretary may authorize a waiver to increase the limit above 25 percent if the Secretary determines **both** of the following:

  - the action would not adversely affect the local economy of the county
  - producers in the county are having difficulties complying with conservation plans.

  Note: Counties with no or minimal cropland with an EI of 15 or greater are **not** eligible for a this type of waiver.

- The Secretary may authorize a waiver to exclude acres enrolled under continuous CRP from total CRP enrollment if local county government concurs with the request to exclude the acres. See subparagraphs K and L

B Total Cropland

A county's total cropland acreage is based on the cropland **physically** located within the county boundaries. See 3-CM, paragraph 24 for determining the physical location of a tract and its associated cropland, as well as for assigning a physical location county for tracts that cross county boundaries.

Total cropland is maintained in the web-based Farm Records Database.

For counties that are divided into 2 or more subcounty areas, the physical location of cropland is based on the subcounty acres. The physical location of CRP acres will continue to be based on the subcounty area.

81 Cropland Limitation (Continued)

C Acreage Subject to All CRP/WRP Limit

The 25 percent cropland limit is applied to the **physical** location of CRP/WRP acres. For CRP-2 forms completed in the automated COLS, the physical location of CRP acreage is determined by COLS. For CRP-2C, the physical location of the CRP acres is determined ***--**according to subparagraph 212 B, item 5B.**--***

Acreage subject to the applicable cropland limits, and included in cropland limit reports, includes the following:

- CRP active cropland acreage on contracts projected to be active October 1 of the current year and all later years, according to the System 36 and web-based contract management applications, such as SAFE
- CRP useful easement acreage under active easement periods but under expired CRP-1 contracts
- WRP cropland acreage as reported by NRCS and recorded by County Office staff.

D Acreage Not Subject to the Applicable Cropland Limits

Acreage **not subject** to the applicable cropland limits and excluded from cropland limit reports includes the following:

- any land enrolled in EWRP administered by NRCS
- pastureland or other noncropland enrolled in WRP administered by NRCS
- CRP marginal pasture land
- CRP land enrolled in field wind breaks (CP5) and shelterbelts (CP16)
- CRP cropland acreage on active contracts scheduled to expire September 30 of the current year.

81 Cropland Limitation (Continued)

E Reserving Acreage for Continuous and WRP Signups

When authorized by notice, COC's may reserve acreage for continuous, FWP, CREP, and WRP signups. COC's that reserve acreage for continuous, FWP, CREP, and WRP signups have 2 total county cropland limits; the county's:

- 25 percent cropland limit for all CRP/WRP acreage that shall continue to apply to all CRP and WRP cropland enrolled, except for counties that obtain future waivers to exceed this 25 percent level

- limit for general signup acreage.

F County Report of Cropland and CRP Enrollment

The National Office and Kansas City will maintain a report that provides a county's total cropland, total acres enrolled in CRP, and acres that are available for enrollment in CRP. This report takes into consideration acres subject to the applicable cropland limits, acreage not subject to the applicable cropland limits, acres reserved for continuous and WRP signups, and any existing waivers.

The report will be based on cropland data from the web-based Farm Records Databases, CRP acres from the System 36 and web-based contract management applications (i.e., SAFE), and other source of information on acres reserved from continuous and WRP signups and any existing waivers.

The report will be updated monthly or as necessary.

G Counties Exceeding Maximum Acreage

When the current enrolled acreage exceeds the limitation and a waiver has not been approved, County Offices shall:

- announce the CRP signup period

- notify all producers that only offers for continuous signup for marginal pastureland practices CP22, CP29, and CP30 and land physically located in a county that has not reached or exceeded the 25 percent limitation will be processed.

Notes: See subparagraph A and paragraph 336.

COC shall immediately reject all offers for acreage physically located in the county and inform the producer using CRP-26.

81 Cropland Limitation (Continued)

H Requesting Waivers to 25 Percent Limit

For CRP, if the current accepted CRP and WRP acreage in a county has either exceeded 25 percent limitation or is within the smaller of 1,000 acres or 1 percent of 25 percent of the total cropland for CRP general signup set by the COC according to subparagraph 81 A in the county:

- COC may:
  - with STC concurrence, determine to have signup for continuous signup for marginal pastureland practices CP22, CP29, or CP30 only
  - request a waiver of the cropland limitation from STC
- COC shall:
  - document case thoroughly and record in COC minutes
  - complete AD-894 and AD-893 according to paragraphs 82 and 83 respectively, if a waiver will be requested
  - submit requests to STC by a STC-established deadline
  - include verifiable documentation that indicates producers are having difficulties complying with conservations plans.

Important: Waivers **must**:

- be approved by DAFP before the applicable signup begins
- are authorized only for the upcoming signup and do not apply to future signups

81 Cropland Limitation (Continued)

H Requesting Waivers to 25 Percent Limit (Continued)

For WRP, NRCS:

- is responsible for:
  - determining whether a waiver will be requested
  - making the request
- will complete AD-894 if a waiver will be requested
- will submit NRCS determinations to STC for concurrence.

Note: Upon NRCS request, COC shall distribute AD-893's to at least a 10 percent random sampling of agricultural producers and groups listed on AD-894, items 26 and 27.

I What to Include With Waiver Request

County Offices shall include the following with the waiver request:

- letters of recommendation from at least 1 county commissioner and Soil Conservation District
- AD-894 with all items completed
- copies of all AD-893's.

Note: County Offices shall:

- distribute AD-893 to at least 10 percent random sampling of the agricultural producers and groups listed on AD-894, items 26 and 27
- summarize and keep returned AD-893's on file for 10 years.

81 Cropland Limitation (Continued)

J STC Waiver Review and Determination

STC shall:

- review AD-894, letters of recommendation, and AD-893's submitted by the County Office

- determine whether an adequate number of AD-893's were distributed to sample the opinions of producers, agricultural-related business, and others

- based on AD-894, determine the level of interest in the county for waiving the 25 percent cropland limitation requirement and the effect of a waiver on producers and businesses in the county

  Note: If a waiver would have significant adverse affects, as determined by STC, deny the request.

- thoroughly document the basis used to determine whether producers are having difficulties complying with conservation plans

- submit verifiable documentation that indicates producers are having difficulties complying with conservation plans

  Note: If producers are **not** having difficulties complying with conservation plans, STC shall deny request.

  Important: Counties with no or minimal cropland with an EI of 15 or greater are **not** eligible for a waiver of the 25 percent cropland limitation.

- obtain NRCS concurrence on all waiver determinations

- if all requirements are met and STC recommends a waiver be approved, submit request and recommendation to CEPD for determination

- if all requirements are **not** met or STC does not recommend a waiver be approved, deny request and notify CEPD that the:

  - request was denied and include the reason for denial

  - county will only process offers for land physically located in a county that has **not** reached or exceeded the 25 percent cropland limitation or continuous signup offers for marginal pastureland practices CP22, CP29, and CP30.

81 Cropland Limitation (Continued)

K Requesting Waivers to Exclude Continuous Signup Acres

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 practice (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 submitted a waiver request to exclude continuous signup acres from total acre enrolled in CRP. If the waiver is approved, Clinton County's total CRP acres, for purposes of the 25 percent limit, will be 22,000. Clinton County could enroll 3,000 acres in a general signup.

L County Government Concurrence

COC's must obtain concurrence in writing, from local county government before approving a waiver according to subparagraph K.

Local county government officials must be the highest executive authority in the county, for example, County Commissioner, County Executive.

82 Completing AD-894

A How to Complete AD-894

Complete AD-894 according to the following.

<table>
<tr><th>Item</th><th colspan="2">Instructions</th></tr>
<tr><td>1</td><td colspan="2">Enter the county name.</td></tr>
<tr><td>2</td><td colspan="2">Enter the State name.</td></tr>
<tr><td>3</td><td colspan="2">Check the applicable program (CRP or WRP) for which a waiver is being requested.</td></tr>
<tr><td>4</td><td colspan="2">Enter total cropland in the county.</td></tr>
<tr><td>5</td><td colspan="2">Enter the maximum cropland limitation for CRP and WRP (25 percent of the total cropland in the county).</td></tr>
<tr><td>6</td><td colspan="2">Enter the maximum cropland limitation for easements (10 percent of the total cropland in the county).</td></tr>
<tr><td rowspan="5">7</td><td colspan="2">Complete items 7 through 10 as follows.</td></tr>
<tr><td>Line</td><td>Instructions</td></tr>
<tr><td>A</td><td>Enter total acres approved for CRP.</td></tr>
<tr><td>B</td><td>Enter total easement acres, excluding CP5 and CP16, approved for CRP.</td></tr>
<tr><td>C</td><td>Leave blank if this request is for CRP waiver.</td></tr>
<tr><td>D</td><td>Enter total cropland acreage under WRP easement.</td></tr>
<tr><td rowspan="4">8</td><td>A</td><td>Enter the total number of acres being offered for CRP during the current signup.</td></tr>
<tr><td>B</td><td>Enter the number of easement acres, excluding CP5 and CP16, being offered for CRP.</td></tr>
<tr><td>C</td><td>Leave blank if this request is for CRP waiver.</td></tr>
<tr><td>D</td><td>Leave blank if this request is for CRP waiver.</td></tr>
<tr><td rowspan="2">9</td><td>A</td><td>Enter CRP total acres approved and offered (item 7 A plus item 8 A).</td></tr>
<tr><td>D</td><td>Enter total cropland acreage from item 7 D.</td></tr>
<tr><td rowspan="2">10</td><td>B</td><td>Enter the total easement acres, excluding CP5 and CP16, approved for CRP.</td></tr>
<tr><td>D</td><td>Leave blank if this request is for CRP waiver.</td></tr>
</table>

82 Completing AD-894 (Continued)

A How to Complete AD-894 (Continued)

Item	Instructions
11	Enter the total CRP acres approved and the total cropland acres approved for WRP (sum of item 7 A plus item 7 D).
12	Enter the total acres offered for CRP or total cropland acres for WRP (item 8 A or 8 D, as applicable).
13	Enter the sum of item 9 A plus item 9 D.
14	Enter the sum of item 10 B plus item 10 D.
15	Enter the percentage of total county cropland accepted in both CRP and WRP (item 7 A plus item 7 D divided by item 4).
16	Enter the percentage of cropland being offered in the **current** signup (item 8 A or 8 D divided by item 4).
17	Enter the percentage of cropland waiver requested (item 13 divided by item 4 minus 25 percent).
18	Enter percentage of easement accepted (item 7 B plus item 7 D divided by item 4).
19	Enter percentage of easement offered (item 12 divided by item 4).
20	Enter percentage of easement waiver requested (item 14 divided by item 4 minus 10 percent).
21 through 23	Enter the acres and percentage of waiver being requested for the following: • COC recommendation to STC • Governor or State Director of Agriculture • County Commissioners.

82 Completing AD-894 (Continued)

A How to Complete AD-894 (Continued)

<table>
<tr><th>Item</th><th colspan="2">Instructions</th></tr>
<tr><td>24</td><td colspan="2">Enter the acres and percentage of waiver being requested from the following agricultural leaders in the community:

• NIFA
• NRCS
• Soil Conservation District
• FS
• other.</td></tr>
<tr><td rowspan="4">25</td><td colspan="2">Complete a random sample of agricultural producers in the county as follows.</td></tr>
<tr><td>Column</td><td>Instructions</td></tr>
<tr><td>A</td><td>Enter the number of agricultural producers who favor an increase in the cropland limitation for easements in the county.</td></tr>
<tr><td>B</td><td>Enter the average percent of increase recommended by agricultural producers in the county.</td></tr>
<tr><td>C</td><td>Enter the number of agricultural producers who are against an increase in the cropland limitation for easements in the county.</td></tr>
<tr><td rowspan="4">26</td><td colspan="2">Complete a random sample of agriculture-related businesses in the county as follows.</td></tr>
<tr><td>Column</td><td>Instructions</td></tr>
<tr><td>A</td><td>Enter the number of agriculture-related businesses that favor an increase in the county cropland limitation.</td></tr>
<tr><td>B</td><td>Enter the average amount of increase (percent) that is being recommended by each agriculture-related business sampled.</td></tr>
<tr><td>C</td><td>Enter the number of agriculture-related businesses sampled that are opposed to an increase in the county cropland limitation.</td></tr>
<tr><td rowspan="4">27</td><td>Column</td><td>Instructions</td></tr>
<tr><td>A</td><td>Enter the number of nonagriculture-related businesses sampled that favor an increase in the county cropland limitation.</td></tr>
<tr><td>B</td><td>Enter the average amount of increase (percent) that is being recommended by each nonagriculture-related business sampled.</td></tr>
<tr><td>C</td><td>Enter the number of nonagriculture-related businesses sampled that opposed an increase in the county cropland limitation.</td></tr>
</table>

82 Completing AD-894 (Continued)

B Example of AD-894

The following is an example of AD-894.

REPRODUCE LOCALLY. Include form number and date on all reproductions.

AD-894 (07-03-95) UNITED STATES DEPARTMENT OF AGRICULTURE

REQUEST FOR CROPLAND WAIVER

NOTE: CP5 and CP16 acres approved after March 31, 1991 are not to be included in CRP easement acres.

1. County	2. State
Madison	Mississippi

3. Mark applicable program: CRP [X] WRP [ ]

4. Total Cropland in County (CRP/WRP Purposes): 143,119.1

Authorized Limitation Acres		5. County Cropland (25% of Item 4) ➤ 35,779.8		6. Easement (10% of Item 4) ➤ 14,311.9	
		7. Approved	8. Offered	9. Cropland	10. Easement
CRP	A. Total	34,220.1	1,880.5	36,100.6	
CRP	B. Easement	359.4			359.4
WRP	C. Total				
WRP	D. Cropland	550.4		550.4	
TOTAL ➤		11. (Item 7A plus Item 7D) 34,770.5	12. (Item 8A or Item 8D as applicable) 1,880.5	13. (Item 9A plus Item 9D) 36,651.0	14. (Item 10B plus Item 10D) 359.4

15. % of Cropland Accepted (Item 11 divided by Item 4)	16. % of Cropland Offered (Item 12 divided by Item 4)	17. % of Cropland Waiver Requested (Item 13 divided by Item 4 minus 25%)
24.2948 %	1.3139 %	.6087 %

18. % of Easement Accepted (Item 7B plus Item 7D divided by Item 4)	19. % of Easement Offered (Item 12 divided by Item 4)	20. % of Easement Waiver Requested (Item 14 divided by Item 4 minus 10%)
%	%	%

	A. ACRES	B. PERCENT
21. COC Recommendation to STC for Acceptance. (Do not exceed amount necessary to cover current enrollment period.)	1,880.5	1.3139 %
22. Governor or State Director of Agriculture	1,880.5	1.3139 %
23. County Commissioners	1,880.5	1.3139 %
24. AGRICULTURAL LEADERS IN THE COMMUNITY — a. CSREES	1,880.5	1.3139 %
b. NRCS	1,880.5	1.3139 %
c. Soil Conservation District	1,880.5	1.3139 %
d. FS	1,880.5	1.3139 %
e. Other	1,880.5	1.3139 %

ITEM		A. NUMBER FOR INCREASE	B. AVERAGE (%)	C. NUMBER AGAINST INCREASE
25. Random Sample of Agricultural Producers		5	2 %	0
26. Random Sample of Agriculture-Related Businesses	a. Bankers/Lending Institutions	2	2 %	0
	b. Feed/Seed/Fertilizer Dealers	1	2 %	0
	c. Oil/Gas Suppliers		%	
	d. Implement Dealers	2	2 %	0
	e. Other	1	2 %	
27. Random Sample of Nonagriculture-Related Businesses	a. Grocery	1	2 %	0
	b. Auto Sales/Service		%	
	c. Other		%	

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, marital status, or disability.

83 Completing AD-893

A How to Complete AD-893

Complete AD-893 according to the following.

<table>
<tr><th>Item</th><th>Instructions</th></tr>
<tr><td></td><td>Items 1 through 9 are to be completed by the FSA County Office.</td></tr>
<tr><td>1 and 2</td><td>Enter County Office address and phone number.</td></tr>
<tr><td>3</td><td>Enter the date AD-893 is distributed to the groups in item 11.</td></tr>
<tr><td>4 through 8</td><td>Enter the information for the county from Screen EPC1001 or EPC1002.</td></tr>
<tr><td>9</td><td>Self-explanatory.</td></tr>
<tr><td></td><td>Items 10 through 14 are to be completed by representatives of NRCS, Soil Conservation District, NIFA, and FS, at least 1 county commissioner, and any additional local groups that would have an interest in the effect of program impact on the local economy.</td></tr>
<tr><td>10</td><td>The person completing AD-893 shall enter recommendations as follows.
<table>
<tr><th>Item</th><th>Instructions</th></tr>
<tr><td>A</td><td>Enter recommendation for county cropland percentage for CRP.</td></tr>
<tr><td>B</td><td>Leave blank if this request is for CRP waiver.</td></tr>
<tr><td>C</td><td>CHECK “Yes” or “No” to indicate whether the county cropland limitation should exceed the 25 percent by a small increase. If yes, enter the increase.</td></tr>
</table></td></tr>
<tr><td>11</td><td>Check the applicable group or groups in which the representative participates.</td></tr>
<tr><td>12</td><td>Enter any additional comments or recommendations.</td></tr>
<tr><td>13</td><td>Enter the name of the person completing items 10 through 12.</td></tr>
<tr><td>14</td><td>The person completing items 10 through 13 shall sign and date AD-893.</td></tr>
</table>

83 Completing AD-893 (Continued)

B Example of AD-893

The following is an example of AD-893.

This form is available electronically. Form Approved - OMB No. 0560-0125

AD-893 (08-20-01) **U.S. DEPARTMENT OF AGRICULTURE**

RECOMMENDATION OF PERCENT OF CROPLAND TO BE ENROLLED IN CRP/WRP

1. COUNTY OFFICE ADDRESS: Madison County FSA Office, P.O. Box 609, Canton, MS 39046

2. COUNTY OFFICE TELEPHONE NO. *(area code)*: (601) 859-3573

3. DATE *(MM-DD-YYYY)*: 09-14-2003

NOTE: *The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is Pub. L. 99-198 as amended and Pub. L. 101-624 authorize the collection of the following data. The information will be used to determine the percent of cropland which can be enrolled in CRP and/or WRP in each county. Furnishing the requested information is voluntary. Failure to furnish the requested information will result in denial of benefits. This information maybe provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 651, 1001; 15 USC 714m; and 31 USC 3729, maybe applicable to the information provided.*

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0560-0125. The time required to complete this information collection is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. ***RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.***

The Conservation Reserve Program (CRP) and the Wetlands Reserve Program (WRP) regulations limits enrollment to 25 percent of the cropland in our county with not more than 10% in easements, unless the Secretary of Agriculture determines that further enrollment will not adversely effect the economy of our county. The recommendations from our residents, farmers, merchants, key agricultural leaders, County Committee, and local and State elected officials will assist the Secretary in determining the percent of cropland which can be enrolled in CRP/WRP from our county. Please review information in Part A and then complete Part B, items 10-14.

PART A - TO BE COMPLETED BY FSA

	ACRES
4. Enter the total cropland in the county.	143,119.1
5. Enter twenty-five percent of the cropland *(Item 4 times 25%)*.	35,779.8
6. Enter ten percent of the cropland *(Item 4 times 10%)*.	14,311.9
7. Enter the current enrollment in CRP excluding CP5 and CP16 *(current accepted acreage-not including this signup)*.	34,220.1
8. Enter the current enrollment in WRP and CRP easements excluding CP5 and CP16 *(current accepted acreage-not including this signup)*.	909.8

PART B - TO BE COMPLETED BY RESPONDENT

9. PLEASE COMPLETE ITEMS 10 THROUGH 14 AND RETURN THIS FORM TO THE COUNTY FSA OFFICE AT THE ADDRESS IN ITEM 1 NO LATER THAN ➡ **RETURN THIS FORM BY:** October 1, 2003

	PERCENT
10A. I recommend that the limit on cropland enrolled in the Conservation Reserve Program for our county be set at	27 %
10B. I recommend that the limit on cropland enrolled in the Wetlands Reserve Program for our county be set at	%

10C. If you recommended 25%, but the county's acreage enrollment under this signup only exceeds the 25% by a small percent, would you be willing to recommend for approval this small increase? YES ☐ NO ☐ Up to what percent? _____ %

11. I belong to the following groups (please mark all that apply):

County Commissioner	☐	Local:		Other Agriculture-Related Business	✓
FSA County Committee Member	☐	NRCS	☐	Grocery	☐
FSA Community Committee Member	☐	Conservation District	☐	Auto Sales	☐
Agricultural Banker/Lender	☐	CSREES	☐	Other Business Not Directly Related to Agriculture	☐
Feed/Seed/Fertilizer Dealer	☐	FS	☐	Other	☐
Agricultural Oil/Gas Supplier	☐	Implement Dealer	☐		

12. COMMENTS ON RECOMMENDATIONS *(If any)*

13. NAME *(Please Print)*	14. SIGNATURE	DATE *(MM-DD-YYYY)*
John Smith		10/1/2003

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.

84-100 (Reserved)

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Part 5 SRR's and Maximum Payment Rates

101 Maximum Payment Rates

A About Maximum Payment Rates

Before the producer submits an offer on CRP-1, the County Office shall calculate and inform the producer of the maximum payment rate for the eligible acreage being offered. The maximum payment rate is the maximum per acre rental rate that CCC is willing to pay for the eligible acreage offered. Offers submitted in excess of the calculated maximum payment rate shall be automatically rejected.

A separate maximum payment rate will be calculated for each offer based on:

- posted SRR tables
- soils MUSYM and acreage data collected and recorded on CRP-2
- incentive amounts, when applicable for continuous CREP and FWP offers
- maintenance rates, as applicable.

--**The maximum weighted average SRR for general signup offers is $240 per acre. There is no limitation for the calculated maximum payment rate for continuous signup offers,**-- including CREP and FWP.

B SRR Tables

The SRR tables will show the individual maximum SRR for groups of soils by using the NRCS soil map unit symbols based upon the soil survey ID. These groupings rates are established based on similar productivity levels. Therefore, one SRR may be used for more than 1 soil. However, each soil grouping will have only one SRR.

SRR's are:

- based on the relative productivity of the soil type and the pre-established dryland cash rental rate estimate for the county

- maintained by State Offices using the CRP Soils Database Management System.

102 Reviewing and Adjusting Soil Map Unit Symbols and SRR's

A Symbol and SRR Adjustments

FSA posts SRR's for cropland based on soil map units using unique soil map unit symbols. To facilitate using standardized soils data within USDA, the soil map unit symbols used for SRR posting need to be reviewed periodically to ensure that they match symbols patterns currently published in the soils legends of NRCS' FOTG.

Additionally, some new SRR's and soil map unit symbols may need to be approved for CRP use to reflect recent soil survey changes by NRCS.

***--**All SRR and soil map unit symbol maintenance will be completed by State Offices.

For questions or concerns on changing SRR's and/or soil map unit symbols, contact Jean Agapoff by e-mail at **jean.agapoff@ca.usda.gov**.

County Offices that require the addition of a soil map unit symbol and SRR must submit a request to the State Office.**--***

B Soil Map Unit Symbol Update Responsibilities

The National Office, in conjunction with NRCS, shall ensure that rental rates are established for all cropped soils in each county using NRCS's most current soil survey legend from FOTG, including proper uppercase and lowercase patterns for those symbols using alphabetic letters.

--**For those new soil map units with new symbols, State Offices and NRCS are authorized to update symbols, CRP soil attributes, and SRR's immediately in the FSA Intranet Soils**-- Data Management System at **https://indianocean.sc.egov.usda.gov/soilDbMgnt/SoilWelcome.do**.

103 Establishing SRR's

A Rental Rate Establishment for Cropland

Maximum payment rates for cropland offered for CRP are calculated using SRR's. SRR's shall be set at levels that reflect the average cash rental rates per acre for **nonirrigated** cropland for the production of the predominant annually tilled crops for each soil map unit area within a soil survey area within a county during the most recent 3 years.

These SRR's shall be set:

- for soil types where share rents are most common which is the cash equivalent of share rents

- for soil types with a predominance of summer fallow or double/triple cropping, reflecting the market rental values of these cropping patterns

- using 1 SRR per soil map unit only

  Note: The use of multiple rental rates, also known as dual SRR's, per soil map unit are prohibited as of December 9, 2002. For all dual SRR's previously authorized, STC shall establish only one SRR that shall be the higher of the two SRR's previously used for dual SRR posting. This single rental rate shall also be posted with the correct soil map unit symbol excluding any unofficial characters previously used for dual SRR posting.

- at levels reflecting rate consistency within soil surveys and across all county and State lines and soil survey boundaries.

The National Office:

- is responsible for establishing SRR's

- will use the most current NASS survey, NRCS productivity indexes, and other information as necessary.

103 Establishing SRR's (Continued)

B Rental Rate Establishment for Pastureland (Riparian Buffers)

Maximum payment rates for marginal pastureland offers are calculated using marginal pastureland rental rates. These rates shall be set for CP22, CP29, and CP30 at levels that reflect the average cash rental values of **nonirrigated** riparian area grazing land during the most recent 3 years.

The grazing productivity of riparian corridor acreage in arid regions is typically higher and more variable than that of adjacent whole field grazing acreage. For this reason, Western U.S. counties' marginal pastureland rents are usually higher than average grazing rental rates, and separate rates based on permanent/seasonal riparian sites have been established. These rates were established through a previously released CRP notice.

The basis for these rates shall be set using the following.

County Location	Rate Basis	Soil Map Unit Symbol
Eastern and Alaska, Hawaii, and Puerto Rico Counties	1 rate per county	MPLALL
Western Counties	1 rate per county for land adjacent to seasonal water bodies	MPLSEA
	1 rate per county for land adjacent to perennial water bodies	MPLPER

There should be general consistency of rates across all county and State geopolitical boundaries.

104 Updating Soil Map Unit Symbols and Posting and Using Rental Rates

A Rental Rate Posting and Use

Approved rental rates shall be:

- used uniformly for all CRP-2's and CRP-2C's regardless of signup type
- effective upon notification by the National Office
- posted year-round on a public display area in the County Office only for the land that exists within the county boundary. County Offices shall **not** post and maintain rates for land in surrounding counties.

105-125 (Reserved)

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Part 6 Eligibility Requirements

Section 1 Producer Eligibility Requirements

126 Eligible Person

A Eligible Participants

Eligible participants can include:

- individual
- associations
- trusts
- other legal entities
- local governments
- Indian Tribal ventures
- corporations
- joint stock companies
- estates
- State governments
- joint operations.

Note: See 1-PL and 4-PL, as applicable, for payment limitation and AGI payment eligibility requirements.

B Eligibility Criteria for Owners

An owner is eligible to offer land for enrollment in CRP if the owner meets 1 of the following requirements:

- owned the land for 12 months before the close of signup for general signup offers
- owned land for 12 months before submitting the offer for continuous signup

Note: See paragraph 127 for ownership waivers.

Exception: Owners of land under expiring CRP-1 may reoffer such land for enrollment regardless of the length of ownership if all other eligibility requirements are met.

126 Eligible Person (Continued)

B Eligibility Criteria for Owners (Continued)

- acquired the land by will or succession as a result of death

- acquired the land under circumstances other than for placement in CRP, as determined by DAFP.

Notes: Ownership eligibility requirements shall be satisfied if there is any combination of continuously leasing and owning by the same "person" according to 1-PL or person or legal entity according to 4-PL, during the 12-month period before the close of the current signup period.

When new land is acquired and added to a farm that meets the requirements of this subparagraph, the new land may only be offered when it also meets the ownership eligibility requirements of this subparagraph.

C Eligibility Criteria for Operators

An operator is eligible to offer land for enrollment in CRP when the operator meets all of the following requirements:

- operated the land for 12 months before the close of current of signup for general signup

- operated the land for 12 months before submitting the offer for continuous, CREP, and FWP signups

- provides satisfactory evidence, as determined by COC, that control of the land will continue uninterrupted for the CRP-1 period.

  Note: Satisfactory evidence may include any of the following:

  - statement signed by the owner
  - written lease for the appropriate time period
  - owner's signature on CRP-1.

Operator eligibility requirements shall be satisfied if there is any combination of leasing and owning by the same "person" according to 1-PL or person or legal entity according to 4-PL, during the 12-month period before the close of the current signup period.

126 Eligible Person (Continued)

D Eligibility Criteria for Beginning or SDA Farmers or Ranchers

A beginning or SDA farmer or rancher that has an approved CRP-1R is not required to meet the 12 month owner/operator criteria when enrolling in CRP continuous signup.

E Payment Share Policy

An eligible person offering land for CRP **must** be eligible to offer land for CRP in his or her own right.

Participants will determine shares. COC shall approve shares provided they are not designed to circumvent other program regulations. Payment shares are not required to be commensurate with previous CRP annual rental payments or interests on other contracts or agreements in the County Office.

Note: "0" percent share is not an appropriate share for the person qualifying the land.

F Date Ownership Commences

County Offices shall determine ownership eligibility based on:

- the later of the following:

  - the date the deed was recorded
  - the date of possession, if the possession date is after the deed recording date

  Note: When a deed has not been recorded in the local land records office, the case shall be submitted to DAFP, Attn.: Director, CEPD, for review before CRP-1 is approved.

- the date a buyer properly filed a contract-for-deed with the seller under applicable State law

- the date the land was acquired, through foreclosure proceedings, and the new owner has the right of occupancy.

  Note: This provision applies only to land acquired through foreclosure proceedings.

126 Eligible Person (Continued)

G Date Operatorship Commences

County Offices shall use County Office records to determine the date operatorship commenced. If no records exist, the operator shall provide adequate assurance, as determined by COC, that the operator is eligible to participate.

127 Waiving Ownership Eligibility Requirements

A COC Waivers of Ownership Requirements

COC's may accept land in CRP that does not meet the ownership requirements in subparagraph 126 B when:

- the land is any 1 of the following:

  - acquired from an immediate family member within the 12-month period. The total time owned by the family members was more than 12 months. Immediate family members include parents, children, siblings, grandparents, adopted children, and spouse.

  - owned for more than 12 months, then sold on contract for deed. Later the original owner repossessed the land and wants to submit an offer for CRP.

  - sold and the original owner holds the mortgage. The original owner regains title through foreclosure proceedings after the new owner files for bankruptcy. The original owner is eligible if the land was owned for at least 12 months.

  - owned by a joint venture or general partnership of which at least 1 member has owned at least 50 percent of the land for the required 12-month period.

    Example: Tim and Steve have owned 100 acres with an undivided interest for the last 10 years. Tim has a 60 percent share and Steve has a 40 percent share. Six months before the end of the CRP signup period, Tim bought Steve's share of the land and became the sole owner. Tim is eligible to offer land in CRP. If Steve had bought Tim's interest, Steve would not be eligible to enroll the land.

127 Waiving Ownership Eligibility Requirements (Continued)

A COC Waivers of Ownership Requirements (Continued)

- a producer did 1 of the following:

  - leased a farm with an option to buy. The producer operated the acreage for more than 12 months before the close of the current signup period, then purchased the land shortly before signup.

  - owned a farm for more than 12 months. The producer then purchases additional acreage and the farms are combined. CRP-1 can be approved on the resulting farm only if the designated acres are all on the original tract.

  - owned a farm for more than 12 months. The producer then lost land in foreclosure and exercised the right of redemption under State law, thereby redeeming the land from the mortgage holder before signup.

COC may waive the 12-month ownership requirement if the total offered acreage is less than or equal to 10 percent of the total cropland purchased.

Example: James Smith (owner) purchased 180 acres of cropland on January 15, 2003. This purchase is less than 1 year before the end of the signup period. Mr. Smith offered 15 acres of cropland for enrollment in CRP. Because the 15 acres of cropland is less than or equal to 10 percent of the total cropland purchased, COC may waive the 12-month ownership provision.

Waivers for conditions not listed in this paragraph may only be approved by DAFP. All requests for waivers **must** include COC and STC recommendation and all relevant documentation to support the request, including a copy of the COC minutes that clearly indicate why COC determined to recommend the waiver.

Note: When STC does not recommend approval of a waiver request, STC shall deny the request and provide appeal rights according to 1-APP.

127 Waiving Ownership Eligibility Requirements (Continued)

B STC Waivers of Ownership Requirements

STC may waive the 12-month ownership requirement if the total offered acreage is less than or equal to 20 percent of the total cropland purchased.

Example: John Jones (owner) purchased 400 acres of farmland on January 20, 2003. The total cropland purchased is 300 acres. This purchase is less than 1 year before the end of the signup period. Mr. Jones offered 50 acres of cropland for enrollment in CRP. Because the 50 acres of cropland is less than or equal to 20 percent of the total cropland purchased, STC may waive the 12-month ownership provisions.

C Offer Acceptance When Eligibility Is Questionable

When ownership eligibility is questionable, County Offices shall accept offers.

County Offices shall:

- inform the producer that the offer shall not be considered until ownership eligibility has been determined

- submit the offer through the COLS process.

  Note: The offer is submitted but will not be ranked because eligibility has not been determined.

128 Structural Change in Ownership of Land

A Structural Change Policy

CRP ownership eligibility criteria provides an exception for structural changes in joint operations. See 1-PL or 4-PL, as applicable, for the definition of joint operations.

Note: Structural changes in entities, such as corporations, trusts, or limited partnerships, do not affect ownership eligibility but may affect payment limitation.

When a structural change has occurred in a joint operation within the 12-month ownership requirement and the persons continuing to conduct the farming operation after the reorganization were primarily responsible for conducting the farming operation before the reorganization, the members are eligible for CRP.

Example: Smith Farms consisted of 3 members in a general partnership. The partnership made a structural change adding a family member as a general partner. The partnership increased by 1 person 6 months before the end of signup.

Note: The structural change policy applies to owners **and** operators.

B Limited Annual Rental Payments

Annual rental payments for joint operations qualifying for CRP under the structural change exception shall be limited to the lower of the maximum payment limitation per person for the persons determined eligible before the reorganization versus after the reorganization.

Example: Using the example in subparagraph A, Smith Farms' CRP-1 shall be limited to $150,000 in annual rental payments. Although the maximum contract payment is determined for 3 persons, each of the 4 members will receive their appropriate share of the total payment.

129 Right of Redemption After Foreclosure Provision

A Policy

Producers who, before submitting a CRP offer, exercised their right of redemption under State law and redeemed land from a mortgage holder after foreclosure or after voluntarily conveying the acreage to the lending institution instead of foreclosure are eligible to participate if all of the following are met:

- the length of original land ownership, foreclosure, redemption, and resulting ownership is at least 12 months

- the producer agrees in writing that CRP-1 shall not be assumed by a successor-in-interest

--Note:** COC or CED shall approve CRP-1 only after agreement is received.**--

- the acreage is otherwise eligible according to Section 2.

B Notifying the Producer

County Offices shall:

- use CRP-25 to notify producers who had a brief loss of ownership, because of foreclosure or the threat of foreclosure, that they may participate when all other eligibility requirements are met

  Note: See Exhibit 5 for an example of CRP-25.

- modify CRP-25 to fit the specific case

- reproduce CRP-25 locally

  Note: Include the form number and date on the reproduction.

- prepare CRP-25 in duplicate

- mail original CRP-25 to the producer

- file a copy of CRP-25 with the producer's offer.

130 CRP Landlord and Tenant Provisions

A Landlord and Tenant Provisions

Landlords shall:

- when the acreage offered is not enrolled in CRP at the time of signup:
  - provide tenants, who have an interest in the acreage being offered at the time of signup, an opportunity to participate in CRP
  - not reduce the number of tenants on the farm as a result of or in anticipation of enrollment in CRP
- when the acreage offered is enrolled in CRP at the time of signup, provide tenants, with an interest in the CRP-1 acreage, an opportunity to participate in CRP if either of the following apply:
  - the tenant is otherwise involved in farming other cropland acreage on the farm at the time of signup
  - the tenant has an interest in the acreage being offered on the effective date of the new CRP-1.

  Note: Interest in CRP-1 is not considered farming.

COC shall inform all producers that landlords who violate these provisions shall be ineligible to earn CRP payments, including annual rental payments, incentive payments, and C/S payments, until COC determines that the landlord is no longer in violation. See subparagraph B.

B Before Approving CRP-1

COC shall determine whether landlord tenant provisions have been violated before approving CRP-1.

When there is a dispute between a landlord and tenant, and COC determines there is insufficient evidence to make a determination, COC shall refuse to approve CRP-1 until the landlord and tenant resolve the dispute.

If the landlord and tenant provisions have been violated, COC shall **not** approve CRP-1.

130 CRP Landlord and Tenant Provisions (Continued)

C Binding CRP-1

An approved CRP-1 is a binding 10- through 15-year contract between all signatories on CRP-1, with a share greater than zero, and CCC.

- Transferring interest in the land under CRP-1 does **not** relieve COC's responsibility to ensure protection of the rights of the operator or tenants who are signatories on CRP-1 and who continue to have an interest in the acreage.

- CRP policy prohibits a landlord from replacing or removing the operator, tenant, or an estate from CRP-1 **unless** at least 1 of the conditions in subparagraph F or G are met.

D When Provisions Do Not Apply

Landlord and tenant provisions do **not** apply when the tenant:

- was removed for cause as determined by RA according to State law
- left the farm voluntarily without any coercion from the landlord.

Note: A signed statement by the tenant or sharecropper voluntarily relinquishing his or her right to the farm or CRP benefits is sufficient evidence to show voluntary removal.

The landlord may offer land for CRP that has a history of a tenant if COC determines that the landlord has the "necessary means" to conduct the farming operation.

For CRP purposes, "necessary means" means the landlord has the knowledge and ability to establish and maintain the CRP cover.

130 CRP Landlord and Tenant Provisions (Continued)

E Certification Statement

A certification statement shall be signed by all tenants and landlords before approval of CRP-1. Attach the certification statement to CRP-1. State Offices shall modify the following certification statement, after consulting with RA, to conform to State law, to include State parameters for removing tenants from CRP-1, and to modify the language for it to be clearly understood by producers.

I (We) understand that tenants participating on Conservation Reserve Program Contract, form CRP-1, may be removed from the contract if tenancy is not maintained, as determined by the Commodity Credit Corporation. In addition, I (We) also understand that the tenant may be determined to be removed when the tenant:

1. was removed for cause, as determined by COC, after State Office consultation with RA

2. requests, in writing, to be removed from CRP-1

3. files for bankruptcy and the trustee or debtor in possession fails to affirm CRP-1

4. dies during the CRP-1 period and the administrator of the estate fails to succeed to CRP 1 within the 60 calendar days of COC notification.

Signature(s) and date(s) _____

130 CRP Landlord and Tenant Provisions (Continued)

F After Approving CRP-1

Tenants participating in CRP shall maintain tenancy throughout the CRP-1 period to remain on the contract. If a tenant fails to maintain this tenancy, COC shall determine, based on guidance from the State Office, whether the tenant should be removed for cause.

Note: Tenancy is defined as maintaining acreage according to the Conservation Plan of Operation or, as otherwise required on the farm, as determined by COC.

State Offices shall consult RA for guidance to establish general parameters about acceptable conditions leading to removing tenants for cause. COC's may immediately act on cases within these parameters.

County Offices shall assume tenancy is being maintained unless notified otherwise by anyone having an interest in the acreage.

After CRP-1 is approved, the operator or tenant may be replaced on CRP-1 when the operator or tenant:

- was removed for cause, as determined by COC, after State Office consultation with RA

  Note: All court-ordered directives to remove the operator or tenant from CRP-1 shall be reviewed by RA. Operators or tenants will only be removed from CRP-1 after review for legal sufficiency of the court-ordered directive by RA and RA approves the removal of the operator or tenant.

- requests, in writing, to be removed from CRP-1

- files for bankruptcy and the trustee or debtor in possession fails to affirm CRP-1 according to paragraph 580

- dies during the CRP-1 period, and the administrator of the estate fails to succeed to CRP-1 within 60 calendar days of COC notification as required by paragraph 546.

130 CRP Landlord and Tenant Provisions (Continued)

G Removing Participants From CRP-1

When a landlord legally removes an operator or tenant from the farm, COC shall determine whether the operator or tenant may be removed from CRP-1 based on provisions in subparagraph F or G. If COC determines to remove the operator or tenant, the landlord may, if a revised CRP-1 is signed:

- continue CRP-1 as owner and receive all the payment
- acquire a new operator or tenant who may become a successor-in-interest to CRP-1.

County Offices shall provide the:

- landlord or new operator or tenant, if applicable, with a revised CRP-1
- former operator or tenant appeal rights according to 1-APP.

131 AGI Provisions

A Policy for CRP-1's Approved May 13, 2002, Through September 30, 2008

Beginning May 13, 2002, an average AGI limitation became effective for certain programs, including CRP.

This provision is effective beginning with the 2003 crop year. The average AGI limitation provides that an individual or entity shall not be eligible to receive certain benefits, during a crop year, if the average AGI of the individual or entity exceeds $2.5 million, and less than 75 percent of the average AGI of the individual or entity is derived from farming, ranching, or forestry operations. See 1-PL.

Note: If a succession occurs to CRP-1 approved May 13, 2002, through September 30, 2008, the successor must meet the AGI provisions in 1-PL.

B Policy for CRP-1's Approved Beginning October 1, 2008

The average AGI limitation provides that a person or legal entity shall be ineligible to receive certain benefits, during a crop year if the average adjusted gross nonfarm income of the person or legal entity exceeds $1 million, unless at least 66.66 percent of the average AGI of the person or legal entity is average adjusted gross farm income. See 4-PL.

Note: If a succession occurs to CRP-1 approved beginning October 1, 2008, the successor must meet the AGI provisions in 4-PL.

C AGI Certification

All producers with a share greater than zero, including members of entities and joint operations, **must** provide a certification of average AGI according to 1-PL or 4-PL, as applicable. For CRP, certifications of average AGI are binding for the life of CRP-1.
--**CCC-526, CCC-926, CCC-931, or CCC-933, as applicable, must be filed before CRP-1 is**--
approved. AGI determinations for CRP are for the contract period. See subparagraph 131 G for contract revision AGI requirements.

D Exception for Lands of Special Significance

The Administrator may allow a waiver to the $1 million AGI limitation on a case-by-case basis for land that is determined to be environmentally sensitive land of special significance.

Waivers must be submitted to DAFP according to Exhibit 16.

131 AGI Provisions (Continued)

E Determining Which AGI Rule Applies to Contract

The following provides guidance on which:

- payment limitation and rules apply to CRP contracts
- AGI certification form should have been filed or must be filed at the time of contract approval.

Note: Follow 4-PL to determine which business types are required to file AGI certifications.

Original Contact Approved ➔	**Before May 13, 2002**				**On or After May 13, 2002, and Before October 1, 2008**	**On or After October 1, 2008**
Rex Extended	No		Yes			
Contract Extended in 2009	No	Yes	No	Yes		
AGI Rule	Not Subject to AGI Provisions	4-PL	1-PL	4-PL	1-PL	4-PL
Required Form		CCC-926 or CCC-931	CCC-526 or CCC-526C	CCC-926 or CCC-931	CCC-526 or CCC-526C	CCC-926, CCC-931, or *--CCC-933--*

Note: For CRP continuous contracts approved between May 13, 2002, and September 30, 2002, that were effective for program year 2002, AGI provisions are **not** applicable. See subparagraph A for additional information.

F AGI Requirements for Producers Associated with Original Contracts

Beginning June 4, 2012, follow this table to determine the requirements for filing an AGI certification form for producers.

Note: See subparagraph E to determine which AGI certification form should be filed.

If the producer is an entity or joint operation, all members with an ownership share are required to file the applicable AGI certification if the entity/joint operation is required to file the certification.

IF the producer's share is…	**AND the producer is…**	**THEN the AGI certification is…**
0 percent		not required.
greater than 0 percent	• an individual • entity without members	required for the producer.
	• joint operation • entity with members	required for: • the producer, except for a joint operation • each member with an ownership share greater than 0 percent.

131 AGI Provisions (Continued)

*--G Contract Revisions

This table provides guidance for the requirements for filing an AGI certification form for producers and members of entities and joint operations when a contract is revised for either of the following reasons:

- new producer is added to the CRP contract
- new members are added to an entity or joint operation that has an interest in the CRP contract.

Note: See the table in subparagraph E to determine which AGI certification form should be filed.

If the contract is revised because…	AND the new producer has…	AND the producer is…	THEN an AGI certification is…
a new producer was added to the contact	0 percent share		not required.
	has a share greater than 0 percent	• an individual • entity without members	required for the year the change became effective for the producer. **Example:** Producer A has CRP contract #2117 with an effective date of October 1, 2010. Producer A sells the land to Producer B on September 20, 2011. Producer B informs the County Office on January 10, 2012, that he purchased the land under CRP contract #2117. Producer B must file AGI forms for 2011 (the year the change became effective).
		• joint operation • entity with members	required as follows for the year the producer is added to the contract: • the producer, except for a joint operation • each member with an ownership share greater than 0 percent. See exception in subparagraph H.

--*

131 AGI Provisions (Continued)

*--G Contract Revisions (Continued)

If the contract is revised because…	AND the new producer has…	AND the producer is…	THEN an AGI certification is…
an existing producer's share was increased from 0 percent		• an individual • entity without members	required for year the producer was originally added to the contract with a 0 percent share.
		• joint operation • entity with members	required as follows for the year the producer was originally added to the contract with a 0 percent share: • the producer, except for a joint operation • each member with an ownership share greater than 0 percent.
a new member is added to a joint operation or an entity with members			required for year the member was added to the operation with an ownership share greater than 0 percent. See exception in subparagraph H.

H Exception to Year AGI Certification Must be Filed

If a producer or member of an entity or joint operation was previously associated with the CRP contract, then the original AGI certification continues to apply for that producer or member if their role changes.

Example: John Farmer has 100 percent interest in a CRP contract approved in 2010.

Farmers LLC replace John Farmer as a producer on the CRP contract in 2012. John Farmer is a member of Farmers LLC and has a 100 percent ownership interest in LLC.

Because John Farmer was already associated with the contract, the 2010 AGI certification continues to be applicable for John. However, an AGI certification **must** be filed for 2012 for Farmers LLC.**--***

132 Federal Crop Insurance Requirements for CRP Participants

A Federal Crop Insurance Requirements

CRP participants on:

- acreage that was enrolled on or after October 13, 1994, **must** be in compliance with the Federal Crop Insurance Reform Act to remain eligible for participation

- land enrolled on or after October 13, 1994, **must** do either of the following:

  - obtain at least the catastrophic level of insurance for each crop of economic significance grown on each farm in the county in which the producer has an interest, if insurance is available in the county for the crop

  - provide a written FSA-570 to the Secretary that waives any eligibility for emergency crop loss assistance in connection with the crop.

133-150 (Reserved)

Section 2 Land Eligibility Requirements

151 Eligible Land Criteria

A Cropland Cropping History Eligibility Criteria

Eligible cropland, including cropland offered under CREP, includes cropland that is both of the following:

- planted or considered planted to an agricultural commodity during 4 of the 6 crop years from 2002 through 2007

  Notes: The applicable crop years 2002 through 2007 are fixed by statute.

  Acreage for which the producer received a crop insurance indemnity payment for prevented planting shall be considered planted for that year for CRP cropping history purposes.

  The following are conserving use and are considered planted for cropping history purposes for CRP:

  - during 2002 through 2007, any planted alfalfa, planted other multi-year grasses and legumes, and any summer fallow

  - any rotation of alfalfa planted other multi-year grasses and legumes and any summer fallow

    Note: The rotation **must** not exceed 12 consecutive years.

  - any land previously enrolled in CRP where the grass cover continues to be maintained as though enrolled in CRP.

  Field margins that are incidental to the planting of crops, such as turnrows, field borders, and center pivot corners, are eligible to be offered. Field margins do not include other areas within a field.

151 Eligible Land Criteria (Continued)

A Cropland Cropping History Eligibility Criteria (Continued)

Cropland enrolled in CRP is considered planted during the term of CRP-1. For CRP purposes, after CRP-1 expiration, the acreage previously enrolled in CRP maintains the cropping history earned while under CRP-1.

Example: John Smith enrolled in CRP with a contract effective date of October 1, 1999. His CRP-1 expires September 30, 2009. John Smith earned and maintained cropping history credit for CRP purposes from 1999 through 2009.

Acreage planted in an unworkmanlike manner, as determined by COC, shall not be considered planted for cropping history for CRP purposes.

- physically and legally capable of being planted in a normal manner to an agricultural commodity, as determined by COC.

  Note: COC's determination shall be based on whether the cropland could be planted to an agricultural commodity in a normal manner during a normal cropping season.

Acreage enrolled in CRP maintains its status as eligible cropland. Therefore, acreage currently enrolled in CRP is eligible to be offered for enrollment if the current CRP-1 expires September 30 of the FY before the effective date of a new contract, unless the acreage has a CRP useful life easement that extends beyond the length of the current CRP-1.

Exception: Land that is currently enrolled in CRP that did not meet the cropland eligibility criteria when initially enrolled, but was allowed to continue in CRP under erroneous eligibility provisions, is not eligible to be re-enrolled.

151 Eligible Land Criteria (Continued)

A Cropland Cropping History Eligibility Criteria (Continued)

The following is an example of cropping history credit for conserving use and rotations.
*--

No.	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	Cropping History
1	Corn	Corn	Hay	Hay	Hay	Hay	Hay	Hay	Hay	Hay	Hay	Hay	No
2	Corn	Planted Hay	Hay	Hay	Hay	Hay	Hay	Hay	Hay	Hay	Hay	Corn	Yes - 12-Year Rotation
3	Hay	Hay	Hay	Corn	Corn	Planted Hay	Hay	Hay	Hay	Hay	Corn	Corn	Yes - 9-Year Rotation
4	CRP	CRP	CRP	CRP	CRP	CRP	CRP	CRP	CRP	Expired CRP Cover	Expired CRP Cover	Expired CRP Cover 1/	Yes - Considered Planted
5	Hay	Corn	Corn	Hay	Hay	Corn	Planted Hay	Hay	Hay	Hay	Hay	Hay	Yes - Conserving Use
6	Hay	Soybeans	Corn	Corn	Planted Hay	Hay	Corn	Corn	Planted Hay	Hay	Hay	Hay	Yes - Conserving Use
7	Hay	Corn	Corn	Corn	Planted Hay	Hay	Hay	Corn	Planted Hay	Hay	Hay	Corn	Yes - Conserving Use

1/ The cover continues to be maintained as though enrolled in CRP from 2008 through the date of the offer.

Notes: Shaded area reflects acreage that receives planted or considered planted acreage.

Exception: The rotation cycle is shaded when rotation is used to provide cropping history.--*

Hay must be a stand of alfalfa and/or other multi-year grasses and/or legumes.

Acreage permanently under water, including acreage currently enrolled in CRP, is ineligible to be offered for enrollment in CRP.

Exception: Acreage devoted to either of the following may be eligible to be offered if all other eligibility requirements are met:

- CP9, Shallow Water Areas for Wildlife
- water according to paragraph 429.

151 Eligible Land Criteria (Continued)

B Land Eligibility Criteria for General Signup

Any land meeting the requirements in subparagraph A may be eligible for enrollment if it falls into 1 or more of the following categories.

Category	Criteria
Erodibility	Cropland offered if the weighted average EI for the 3 predominant soils of the new land on the acreage offered is 8 or greater. The most current soil survey information shall be used. EI for CRP eligibility shall be calculated using RUSLE or WEQ. Do **not** use USLE. EI's will be calculated based on the predominance of the type of erosion present. If the offer is subject to both wind and water erosion, the higher EI calculation shall be used. The results of the RUSLE or WEQ shall **not** be added together.
Expiring CRP	Land currently enrolled in the CRP scheduled to expire on September 30 of the FY the acreage is offered for enrollment. **Example:** CRP-1 is scheduled to expire on September 30, 2010. The acreage may be offered for enrollment during FY 2010.
CPA's	Cropland located within 1 of the following: • Chesapeake Bay Region • Great Lakes Region • Long Island Sound Region • Longleaf Pine Region **Important:** All cropland within the Longleaf Pine Region is **not** automatically eligible to be offered for enrollment. Cropland within the Longleaf Pine Region **must** be: • suitable to be devoted to longleaf pine • planted or devoted to longleaf pine. • Prairie Pothole Region **Note:** See Exhibit 18 for maps. • State-designated CPA's.
Practices Eligible Under Continuous Signup	Those practices eligible for enrollment under continuous signup provisions. See paragraph 171.

151 Eligible Land Criteria (Continued)

C Land Enrolled in Other Programs

If all other eligibility criteria are met, the following land may be offered for CRP:

- land currently under Pub. L. 566 or Pub. L. 534 long-term contracts, if approved for modification by NRCS

- cropland that has had a permanent cover, including trees, established under EQIP, WHIP, CSP, or the Conservation Security Program, that is no longer within practice lifespan requirements.

  Examples: Cropland on which permanent vegetative cover has been established under EQIP and still under EQIP lifespan requirements is not eligible for enrollment in CRP.

  A farm under a WHIP contract that has only a part of the otherwise eligible cropland devoted to a permanent cover may have the WHIP contract modified, if approved by NRCS, to allow enrollment of acreage not devoted to a permanent cover into CRP.

Note: See subparagraph D for land ineligible for enrollment in CRP.

D Ineligible Acreage

The following acreage is ineligible to be offered in CRP:

- Federally owned land unless the producer submitting the offer has a lease for the CRP-1 period

  Note: Federal entities are ineligible to receive CRP payments and cannot become a successor-in-interest to CRP-1.

- land on which a Federal agency restricts the use in a mortgage or an easement

- ***--**land under other easements, or other legal restrictions, that require a resource-conserving cover be maintained throughout any part of the proposed contract period**--***

151 Eligible Land Criteria (Continued)

D Ineligible Acreage (Continued)

- acreage permanently under water, including acreage currently enrolled in CRP

  Exception: Acreage devoted to either of the following may be eligible to be offered if all other eligibility requirements are met:

  - CP9, Shallow Water Area for Wildlife
  - water, according to paragraph 429.

- land under CSP, EQIP, GRP, or WHIP that meets either of the following criteria:

  - has had a permanent cover, including trees, established and is still within the practice lifespan requirements

  - is under agreement and is scheduled to have a permanent cover, including trees, established regardless of whether any practice has been started or C/S paid.

  Notes: Canceling or modifying the contract or agreement or refunding C/S shall not make the acreage eligible to be offered for enrollment.

  Certain otherwise eligible cropland acreage enrolled in a WHIP contract may be eligible for enrollment in CRP if the contract is approved for modification by NRCS. See subparagraph C.

  Acreage under contract or agreement, which are management or structural in nature and does not require establishment or enhancement of a permanent cover, may be offered for enrollment if all other eligibility requirements are met. All acreage offered for enrollment in CRP that is under an EQIP contract **must** be terminated from the EQIP contract before CRP-1 is approved. The EQIP contract **must** be modified to remove this acreage according to EQIP Manual.

  Examples: Following are examples of management or structural practices:

  - strip cropping
  - no-till systems
  - underground pipelines
  - terraces that do not require permanent cover.

151 Eligible Land Criteria (Continued)

D Ineligible Acreage (Continued)

- land currently within practice lifespan requirements according to subparagraph C

- land already enrolled in CRP

  Exception: Land enrolled in CRP is eligible to be offered for re-enrollment in the program if the current CRP-1 expires September 30 of the FY the acreage is offered for enrollment, unless the acreage has a CRP useful life easement that extends beyond the length of the current CRP-1. See subparagraph A.

- existing grass waterways

  Exceptions: Grass waterways that are enrolled in CRP at the time this acreage is offered for enrollment in CRP.

  Newly created grass waterways completed within the 12-month period previous to signup if:

  - completed according to a conservation plan
  - not under practice lifespan requirements according to subparagraph C.

  Grass waterways enhanced or expanded within the 12-month period previous to signup if completed according to a conservation plan.

  Note: Grass waterways that are purposely destroyed to be made eligible for enrollment in CRP shall remain ineligible.

- land where the producer is required to perform a practice as an obligation to comply with local, State, or Federal law, and is notified in writing that the required practice **must** be performed or enforcement action, such as fines or closing the operation, will be taken against the producer.

152 Native American Tribal Lands

A Land Eligibility

Native American tribal land is eligible for CRP. Tribal lands are:

- subject to BIA management
- not U.S. owned.

153 State, County, or Publicly Owned Land

A Land Eligibility

State, county, or publicly owned land that is offered for participation in CRP is eligible if the land meets all other eligibility requirements.

154 Land Under Lease for Gas, Oil, Earth, or Mineral Rights

A Guidelines for Existing Lease

Eligible land on which gas, oil, earth, or other mineral rights exploration has been leased or is owned by someone other than the person interested in enrolling acreage in CRP may be **offered** for CRP-1.

If any person has an existing mineral rights' lease or someone other than the CRP participant owns the mineral rights **before** land is offered for CRP and the person exercises the right to extract minerals, etc., from the land that is subject to CRP, COC shall:

- terminate CRP-1 on affected acres
- waive refund of annual rental payments and liquidated damages
- require refund of C/S payments
- advise the CRP participant that the land may be reoffered in a subsequent signup if the land meets all other eligibility requirements.

154 Land Under Lease for Gas, Oil, Earth, or Mineral Rights (Continued)

B Guidelines After Land Is Accepted in CRP

If a person enters into a mineral rights' lease or sells the mineral rights **after** the land is accepted in CRP, and during the CRP-1 period the lessor or owner of the mineral rights exercises the right to extract minerals, etc., from land that is subject to CRP-1, COC shall:

- terminate CRP-1 on the affected acres
- obtain refund of payments and liquidated damages according to paragraphs 571 and 577
- advise the CRP participant that the land may be reoffered in subsequent signups if the land meets all other eligibility requirements.

C Exploration of Minerals by Sampling

If exploration of minerals is performed by sampling to determine whether mining is feasible, COC shall not terminate CRP-1 or reduce annual payments if:

- the exploration of minerals by sampling is completed within date specified by COC
- any disturbed cover is re-established at the CRP participant's expense
- the land will continue to meet eligibility requirements as determined by COC.

155-170 (Reserved)

Part 7 Continuous CRP Signup

171 Overview

A General Information

Persons determined eligible for CRP according to Part 6 may request to enroll certain acreage in the program at any time within the total county cropland limit requirements according to Part 4. This provision provides producers and landowners with management flexibility when planning conservation enhancements to their farming operations. The practices available during continuous signup generally provide high environmental benefits to large areas when compared to the acreage on which the practice is implemented.

Unlike a standard CRP signup where producers submit offers indicating the amount they are willing to accept to enroll acreage in the program, the continuous signup process does not have a competitive evaluation process.

The National Office shall provide State and County Offices:

- program information sheets for producers
- program provisions and procedures
- other information as requested.

The purpose of continuous signup is to enroll:

- small, environmentally sensitive acreages
- target acreage.

171 Overview (Continued)

B Signup Numbers and Program Year

Signup numbers change at the beginning of each FY under the continuous signup provisions. See Exhibit 20.

The program year is FY in which the first payment is earned.

***--Example:** Producer submits an offer for CP21 on July 1, 2010. COC or CED approves--* CRP-1 on September 22, 2010. CRP-1 is effective October 1, 2010. The program year on CRP-1 is 2011.

C CRP Continuous Signup Activities

The following provides an overview of certain activities and paragraph references to assist County Offices with continuous signup offers.

Continuous Signup Activity	Reference
Producer initiates CRP-2C, indicates acreage and practice(s) offered, and identifies acreage on aerial photocopy.	Paragraph 211
--**COC or CED determines whether all of the following are met:**-- • producer eligibility requirements • basic land and practice eligibility criteria • program policy and practice requirements provided in Exhibit 11. ***--**COC determines county cropland limit eligibility according to**--*** Part 4. If basic eligibility criteria are met, County Office provides CRP-2C and photocopy of acreage offered to NRCS or TSP.	Paragraphs 171 and 211 and Exhibit 11
NRCS or TSP, based on a site visit, determines: • suitability of practice for acreage offered • need and feasibility of practice to solve resource concern and reports determination to COC. NRCS or TSP returns CRP-2C to FSA with all applicable items completed.	Paragraphs 171, 211, and 212

171 Overview (Continued)

C CRP Continuous Signup Activities (Continued)

Continuous Signup Activity	Reference
County Office determines 3 predominant soil types for eligible acreage offered, including acreage enrolled under infeasible-to-farm criteria using TERRA.	TERRA User Guide
County Office calculates maximum payment rate on CRP-2C.	Paragraphs 171, 196, and 212
County Office completes paid-for measurement service, if applicable, for the acreage offered.	Paragraph 401
County Office completes CRP-1 and notifies producer of acceptability or rejection of offer.	Paragraphs 214, 215, and Exhibit 21
Conservation plan developed by NRCS or TSP.	Paragraph 366
Conservation plan approved by the conservation district, if applicable.	Paragraph 366
***--**Final approval of conservation plan by COC or CED.	Paragraph 366
CRP-1 is approved by COC or CED and producer is notified of approval.	Paragraphs 214 and 401
For CREP and FWP, County Office records data from CRP-2C and**--*** CRP-1 in System 36 using only the CRP contract software.	1-CRP

172-180 (Reserved)

Section 1 Continuous Signup Basic Eligibility Criteria

181 Eligibility Requirements

A Eligibility Requirements for Cropland

All of the following **must** be met before **cropland** acreage may be determined acceptable for enrollment under continuous signup.

•***--**COC or CED determines that the:**--***

- producer eligibility requirements in Part 6, Section 1, are met
- acreage offered is cropland

  Important: See 3-CM for the definition of cropland.

- acreage offered meets eligibility criteria in subparagraph 151 A
- practice offered is an eligible practice for continuous signup

  Note: See subparagraph 66 C for a list of eligible practices.

- practice and acreage offered meet the program policy and size requirements for the practice provided in Exhibit 11

--Note:** COC determines county cropland limit eligibility criteria in Part 4 is met.**--

181 Eligibility Requirements (Continued)

A Eligibility Requirements for Cropland (Continued)

- NRCS or TSP determines, based on a site visit, the:
  - acreage is suitable for the offered practice
  - practice is needed and feasible to solve the resource concern

    Note: Expiring CRP acreage automatically meets the needed and feasible eligibility requirement.

  - purpose of the practice according to Exhibit 11 is met.
- Producer offers a per acre rental rate that is less than or equal to the calculated maximum payment rate. Offers in excess of the maximum payment rate shall be rejected.

  Note: To calculate the per acre maximum payment rate, the County Office shall identify the 3 predominant soil types using TERRA for the eligible acreage offered on CRP-2C, including land that is offered under infeasible to farm criteria. See paragraphs 196, 212, and the TERRA User Guide.

  ***--**The TERRA tool:

  - provides official CRP data and calculations
  - shall be used for all CRP administration purposes.**--***

For cropland within an approved wellhead protection area, see subparagraph B.

Land that meets the definition of cropland shall not be enrolled in CRP as marginal pastureland. See subparagraph C for eligibility requirements for marginal pastureland.

B Eligibility Requirements for Cropland Within Wellhead Protection Areas

An approved public wellhead protection area is the area designated by the appropriate State agency with an EPA-approved Wellhead Protection Program for water being drawn for public use, as defined for public use by the Safe Drinking Water Act, as amended.

Areas, such as aquifer protection areas, surrounding shallow aquifer areas, and water source protection districts are **not** public wellhead protection areas. Acreage within these areas is **not** eligible to be enrolled under the wellhead protection area provisions.

181 Eligibility Requirements (Continued)

B Eligibility Requirements for Cropland Within Wellhead Protection Areas (Continued)

States that do not have an EPA-approved Wellhead Protection Program shall **not** enroll acreage in CRP under the wellhead protection area provisions. Contact the State water quality agency:

- to determine if there is an EPA-approved Wellhead Protection Program
- for approved public wellhead protection areas.

Before **cropland** acreage within an approved public wellhead protection area may be determined acceptable for enrollment under continuous signup, **all** of the following **must** be met:

- all of the requirements of subparagraph A

- ***--**all of the acreage **must** be located within or immediately adjacent to the approved public wellhead protection area

- the acreage shall not exceed a radius of 2,000 feet from the approved public wellhead.

Exception: Enrollment may be allowed beyond a radius of 2,000 feet from the approved public wellhead, provided the State has established hydrologically delineated public wellhead protection areas using a 5-year or 10-year time-of-flow criteria and the State water quality agency has approved the hydrologically delineated public wellhead protection area.

At least 51 percent of the acreage offered must be located within an approved public--***** wellhead protection area. The remaining 49 percent must be contiguous to the approved public wellhead protection area. The remaining acreage must be contiguous to the offered acreage.

181 Eligibility Requirements (Continued)

B Eligibility Requirements for Cropland Within Wellhead Protection Areas (Continued)

*--If using a shapefile in TERRA to determine the percentage of acreage within the approved public wellhead protection area, the shapefile must contain the following attributes:

- FID
- shape
- type
- name
- code.

Important: Submit the complete shapefile to David Taylor by e-mail at **david.taylor@wdc.usda.gov**.

Example: The following is an example of the attributes.

Name	Type	Length	Data Example
FID	Object ID	Default	
Shape	Polygon	Default	
Type	Text	25	CREP
Name	Text	255	Ohio River Basin
Code	Text	10	orb

--*

Examples: The approved public wellhead protection area designated by the appropriate State agency is a 1,000 foot radius surrounding the approved public wellhead. Therefore, the acreage enrolled in CRP shall not exceed the acreage within the 1,000 foot approved area.

The approved public wellhead protection area designated by the appropriate State agency is a 3,000 foot radius surrounding the approved public wellhead. Therefore, the acreage enrolled in CRP shall not exceed the acreage within a 2,000 radius from the approved public wellhead.

See subparagraph 66 C for a list of eligible practices for cropland within approved public wellhead protection areas.

--

181 Eligibility Requirements (Continued)

C Eligibility Requirements for Marginal Pastureland

The following is **not** eligible to be enrolled in CRP as marginal pastureland:

- cropland
- forestland
- woodland.

Under no circumstances can land be considered both cropland and marginal pastureland. See 3-CM, paragraph 26, for provisions for removing land from cropland status to be enrolled in CRP under marginal pastureland criteria to be devoted to CP22, CP29, and CP30.

All of the following **must** be met before **marginal pastureland**, including grazing land that may not have been previously seeded, may be determined acceptable for enrollment under continuous signup:

- the marginal pastureland offered **must** be both of the following:
  - immediately adjacent and parallel to 1 of the following:
    - perennial stream
    - seasonal stream
    - permanent water body, such as a lake or pond, that provides at least a seasonal flow of surface water from the water body off the farm

      Exception: A pond that is less than 5.0 acres and does **not** provide at least a seasonal flow of surface water from the water body off the farm is **not** eligible to be enrolled in CP22.

      Notes: Water bodies that do not provide a permanent water cover throughout the year in all years are not eligible.

      See subparagraph E and Exhibit 2 for definitions of perennial and seasonal streams.
  - devoted to a riparian buffer (planted or natural regeneration), wildlife habitat buffer, or wetland buffer

    Important: Trees **must** be immediately adjacent and parallel to the eligible perennial or seasonal stream or other eligible **permanent** water body. See subparagraph D and Exhibit 11.

181 Eligibility Requirements (Continued)

C Eligibility Requirements for Marginal Pastureland (Continued)

•*--COC or CED determines all of the following:--*

- producer eligibility requirements in Part 6, Section 1, are met
- land offered is marginal pastureland

  Important: **Land that meets the definition of cropland shall not be enrolled in CRP as marginal pastureland**. See 3-CM for the definition of cropland.

- program policy and size requirements of the riparian buffer practice provided in Exhibit 11 are met

- NRCS or TSP determines all of the following:

  - land is suitable to be devoted to a riparian buffer (planted or natural regeneration) to trees, wildlife habitat buffer, or wetland buffer
  - riparian buffer, wildlife habitat buffer, or wetland buffer is needed and feasible to solve the resource concern
  - purpose of the practice according to Exhibit 11 is met
  - existing trees on the offered land, if applicable, are not functioning as a riparian buffer

  Important: See subparagraph D for eligibility criteria for marginal pastureland with existing trees.

- producer offers a per acre rental rate that is less than or equal to the calculated maximum payment rate using the applicable marginal pastureland rental rate for the county. Offers in excess of the maximum payment rate shall be rejected.

  Note: See paragraphs 196 and 212 for calculating maximum payment rate for marginal pastureland.

181 Eligibility Requirements (Continued)

D Marginal Pastureland and Trees

Land enrolled under the marginal pastureland eligibility criteria **must** be devoted to a riparian buffer devoted (planted or natural regeneration) to trees. Trees **must** be immediately adjacent and parallel to the eligible stream or water body regardless of FOTG standards. Marginal pastureland that is not suitable for tree plantings as determined by NRCS or TSP, as applicable, is not eligible to be enrolled as CP22. The marginal pastureland may be eligible to be enrolled as CP29 or CP30.

If trees are already established and functioning as a riparian buffer, as determined by NRCS or TSP, the land is **not** eligible to be enrolled in CP22.

If the existing trees are not functioning as a riparian buffer because of the presence of livestock, the land is **not** eligible to be enrolled in CRP. Other programs, such as EQIP or WHIP, may be used to exclude the livestock and restore the functions of the riparian buffer.

Example 1: Mary Smith offers to enroll marginal pastureland to be devoted to CP22. Based on a site visit, NRCS or TSP determines that the existing trees and vegetative cover would function as a riparian buffer if the livestock would be excluded from the site. No further action would be required for the existing cover to function as a riparian buffer. Therefore, the land is **not** eligible to be enrolled in CRP.

Example 2: Bob Brown offers to enroll marginal pastureland to be devoted to CP22. Based on a site visit, NRCS or TSP determines that the existing trees are not functioning as a riparian buffer because of the presence of livestock and the lack of a sufficient understory. The existing trees will not function as a riparian buffer by excluding the livestock. Additional vegetation **must** be planted to establish a functioning riparian buffer. Therefore, provided all other eligibility requirements are met, the land may be enrolled in CRP to be devoted to CP22.

If NRCS or TSP determines that existing trees are not functioning as a riparian buffer, the conservation plan **must** require some action by the producer, such as tree planting; otherwise, the land is not eligible to be enrolled in CRP.

181 Eligibility Requirements (Continued)

E Perennial and Seasonal Streams

The following definitions shall be used for filter strip, riparian buffer, wildlife habitat buffer, or wetland buffer enrollment:

- perennial stream is a stream that contains water throughout the year

- seasonal stream is a stream that contains water for only part of the year but more than just during and/or after rainfall or snowmelt.

  Note: Streams **must** have a defined stream channel.

Important: Because the same map symbol may be used for multiple stream types, USGS maps shall **not** be solely used to determine seasonal streams.

Only marginal pastureland, including grazing land that may not have been previously seeded to be devoted to a riparian buffer (CP22), wetland buffer (CP29), or wildlife habitat buffer (CP30), is eligible to be enrolled.

Seasonal streams do **not** include any of the following:

- wetland of any type
- land devoted to CP9
- terrace channels
- grass or sod waterways
- gullies
- narrow or wide wash
- roadside ditches
- well, spring, or seep
- marsh or swamp
- center pivot irrigation corners
- irrigation canals
- tail water recovery pit/system.

181 Eligibility Requirements (Continued)

F Expiring Continuous Signup Land Eligibility

Cropland and marginal pastureland that is currently under CRP contract may be re-offered *--for CRP no earlier than 6 months before CRP-1 is scheduled to expire. In addition to--* meeting the eligibility requirements of paragraph 151 and subparagraph 181 A, cropland must meet the current practice standards for the practice according to Exhibit 11.

Cropland that was previously enrolled in CRP but has expired or was terminated is eligible to be enrolled under continuous signup contracts if it meets all other eligibility requirements, including needed and feasible criteria.

Note: Land that is currently under contract or has expired and the cover has been maintained is **not** eligible for SIP.

The following are eligible land examples for expiring CRP when the offer is submitted before expiration.

Example 1: CP21 is expiring and is re-offered. The average width of the practice is 80 feet. The technical agency or TSP recommends the practice should be an average width of 100 feet to meet current practice standards. The participant may re-enroll the practice provided the average width enrolled is 100 feet according to an approved conservation plan. C/S and PIP may be authorized for the additional average width required to meet the current practice standard.

Note: If the technical recommendation was for a width less than enrolled, **only** the lesser width would be eligible.

Example 2: Expiring general signup CRP-1 includes a tree practice such as CP3, CP3A, or CP11. The participant re-offers part or all of the applicable acreage as a continuous signup practice such as CP22 or CP31. CRP-1 is in compliance and NRCS or TSP determines the practice meets the current standards for the *--practice. COC or CED may approve CRP-1. SIP and PIP are **not--*** authorized.

181 Eligibility Requirements (Continued)

F Expiring Continuous Signup Land Eligibility (Continued)

Example 3: Expiring general signup CRP-1 with 1 or more practices such as CP1, CP2, CP4D, CP10, or CP11 that includes wetland restoration as part of CRP-1. The participant re-offers the restored wetland as an applicable continuous practice such as CP23, CP23A, CP27, CP28, CP31, or CP37 according to procedure. CRP-1 is determined in compliance and NRCS or TSP determines the practice meets practice standards. COC or CED may approve CRP-1 and conservation plan. SIP and PIP are **not** authorized.

Example 4: Producer offers an expiring CP21 as practice CP21 that is an average of 80 feet in width. The producer also requests to enroll land adding an average width of 40 feet to reach the maximum average width allowed according to current FOTG standards (up to an average width of 120 feet). NRCS or TSP recommends that the practice meets the practice standards at the 80-foot average width. COC or CED may accept an offer and approve CRP-1 and practice at the 80 foot average width. An offer of additional land to an existing buffer practice is **not** authorized because the current width is addressing the conservation issue. SIP and PIP are **not** authorized.

***--**Land under an expiring CRP-1 is considered basically eligible to be reoffered for enrollment into CREP. The CREP agreement provisions apply to any new or expiring land offered into CREP.

Notes: Enrollment in CREP may require participant action to meet CREP agreement requirements.

Otherwise eligible land **not** currently enrolled may be added to adjacent CRP-1 acreage to meet current practice standards under the CREP project's practices, according to the CREP agreement and FSA's 2-CRP State supplement, as determined by NRCS or TSP.**--***

181 Eligibility Requirements (Continued)

F Expiring Continuous Signup Land Eligibility (Continued)

The following are eligible land examples for expiring CRP when the offer is submitted for enrollment into CREP before expiration.

Example 1: An expiring continuous signup CRP-1 with practice CP21, Filter Strips, is offered as practice CP21 under a contract to be enrolled into CREP. The average width of the practice is 120 feet. NRCS or TSP determines the practice should be an average width of 160 feet to meet current CREP practice standards. The participant may enroll the practice and additional adjacent new land provided the average width enrolled is 160 feet according to an approved conservation plan of operations. Cost share and a practice incentive payment may be paid for the additional land required to meet the current 2-CRP practice standard for CRP-1's for the CREP.

Note: If NRCS or TSP determine that a width less than the 160 feet is needed, then **only** the lesser width would be eligible for enrollment/re-enrollment.

Example 2: Participant offers expiring CRP acreage as an eligible CREP practice. The practice is in compliance and is determined as meeting current practice standards. The participant requests to revise the conservation plan and add a 5 species seeding mix as an interseeding or re-seeding to provide enhanced wildlife habitat benefits. COC or CED may approve CRP-1 and the conservation plan; however, since the existing practice and vegetative cover meet the CREP agreement 2-CRP standards, no additional cost share expense is necessary and COC or CED will **not** approve cost share payments or practice incentive payments.

G Lands Ineligible for Re-Enrollment Under Continuous CRP

Lands ineligible for re-enrollment are:

- land not currently enrolled and not necessary to meet current practice standards for the existing practice according to Exhibit 11

*** * ***

--

181 Eligibility Requirements (Continued)

G Lands Ineligible for Re-Enrollment Under Continuous CRP (Continued)

- expiring land permanently inundated with water according to subparagraph 151 D.

  Note: Land permanently inundated with water is land that is reasonably expected to be under water through the CRP-1 period.

  Exception: Practices that include water as part of the practice, as applicable, are eligible, such as CP3A, CP9, CP23, CP23A, CP27, CP30, CP31, and CP37.

***--**Land under expiring CRP contract that is **ineligible** for CREP enrollment includes:

- land under expiring CRP-1's for which there are provisions in the CREP agreement that exclude expiring CRP-1 acreage for enrollment

- land under expiring CRP-1 which does **not** meet the basic land, producer, and practice eligibility requirements as provided for in the CREP agreement

- cropland acres that are subject to an easement, or designated to be subject to an easement that prohibits crop production at any time during the proposed new CRP-1 period

- marginal pastureland acres that are subject to an easement, or designated to be subject to an easement that requires a resource-conserving cover be maintained during any of the proposed new CREP CRP-1 period

- land permanently inundated with water according to this subparagraph.**--***

H Acreage Ineligible To Be Enrolled

See subparagraphs 151 C and D for ineligible acreage.

182 Infeasible to Farm

A Definition of Infeasible to Farm

Infeasible to farm means an area that is too small or isolated to be economically farmed.

B Infeasible-to-Farm Policy

COC may allow enrollment of certain **cropland** that is determined infeasible to farm.

Note: Infeasible to farm criteria does not apply to marginal pastureland.

Producers may enroll up to 25 percent of the enrolled cropland acreage of a filter strip or riparian buffer as part of the filter strip or riparian buffer if COC determines the following:

- remaining cropland is infeasible to farm according to subparagraph 182 A
- more than 50 percent of the **field** is enrolled as a filter strip or riparian buffer on cropland.

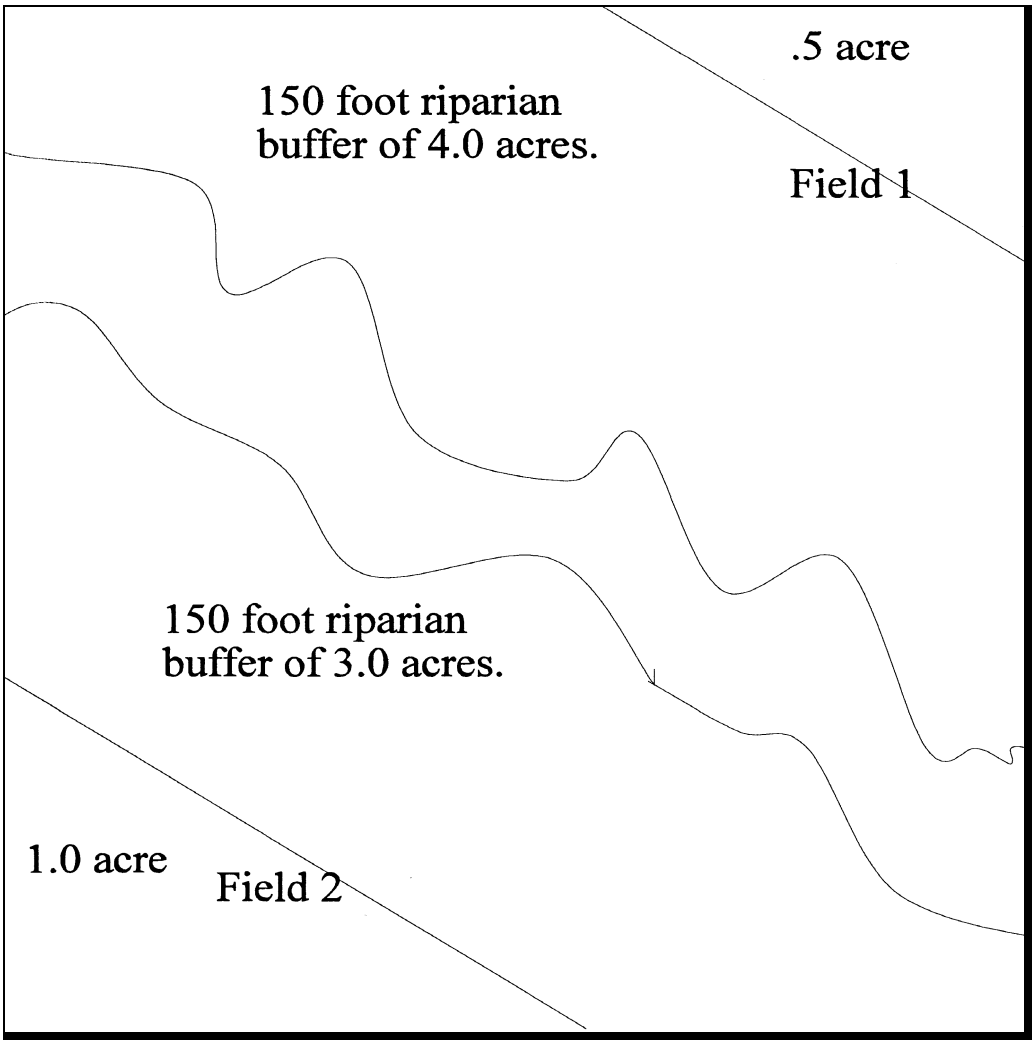
Note: COC is authorized to enroll only up to 25 percent of the filter strip or riparian buffer as infeasible to farm acreage. Producers may request a waiver to enroll infeasible to farm acreage in excess of 25 percent. Waivers should be submitted to DAFP.

Example: Producer enrolls a 4.0 acre riparian buffer in field No. 1 and a 3.0 acre riparian buffer in field No. 2. Field No. 2 has 1.0 acre remaining. The producer enrolled more than 50 percent of each field. The remaining portion of Field 1 not enrolled as a buffer is .5. The infeasible-to-farm amount is 25 percent of the enrolled riparian buffer (4.0 acres x .25 = 1.0 acre). Therefore, the producer could enroll the remaining portion if that portion of the field is 1.0 or less. The .5 remaining portion of field No. 1 is eligible to be enrolled in CRP using infeasible-to-farm criteria.

182 Infeasible to Farm (Continued)

B Infeasible-to-Farm Acres (Continued)

The remaining portion of Field 2 not enrolled as a buffer is 1.0 acre. The infeasible-to-farm amount is 25 percent of the enrolled riparian buffer (3.0 acres x .25 = .8 acre). The producer could enroll the remaining portion if that portion of the field is .8 or less. Therefore, the 1.0 acre portion remaining in field No. 2 is limited to .8 acre to be enrolled in CRP using infeasible-to-farm criteria.



C Payment Rate

Cropland enrolled as a filter strip or riparian buffer under infeasible-to-farm criteria shall be calculated according to paragraph 196.

Note: Continuous signup incentives do not apply.

183-195 (Reserved)

Section 2 Continuous Signup Non-C/S Payments

196 Annual Payments

A Per Acre Maximum Payment Rate

Before CRP-1 is completed, the County Office shall calculate and inform the producer of the per acre maximum payment rate for the eligible acreage being offered on CRP-2C. Producers may offer a per acre rental rate less than the calculated per acre maximum payment rate.

The per acre maximum payment rate shall be determined for:

- cropland, using all of the following:
  - the most current SRR's for the 3 predominant soils on the eligible acreage offered

    Note: For infeasible-to-farm acreage, the most current SRR for the 3 predominant soils on the infeasible-to-farm acreage.

  - an incentive (10 percent or 20 percent depending on the practice) of the per acre weighted average SRR, if applicable, established according to subparagraph B

    Exception: Continuous signup incentives do not apply to land enrolled using infeasible-to-farm criteria.

  - a maintenance incentive rate established according to subparagraph C

196 Annual Payments (Continued)

A Per Acre Maximum Payment Rate (Continued)

- marginal pastureland, using all of the following:

  - the applicable marginal pastureland rental rate for the county regardless of soil type

    Important: For counties that have 2 marginal pastureland rental rates established, the marginal pastureland rate will be determined based on the type of stream (perennial or seasonal) or eligible permanent water body adjacent to the land offered. See subparagraph 181 E and Exhibit 2 for perennial and seasonal streams.

  - an incentive of 20 percent of the applicable marginal pastureland rental rate

    --Exception:** Land previously enrolled in CRP under WBP eligibility criteria is **not** eligible for a 20 percent incentive.**--

  - a maintenance incentive rate established according to subparagraph C.

See subparagraph D for calculating the per acre maximum payment rate.

196 Annual Payments (Continued)

B Per Acre Maximum Payment Rate Additional Incentive

For the following continuous signup practices, including re-enrolled practices, an additional incentive amount equal to 20 percent of the weighted average SRR shall be added to the weighted average SRR:

- CP5A
- CP8A
- CP21
- CP22
- CP23
- CP23A
- CP27
- CP28
- CP29
- CP30

--Exception:** Land previously enrolled in CRP under WBP eligibility criteria is **not** eligible for the 20 percent incentive.**--

- CP31
- CP37
- CP39
- CP40
- CP41.

Important: For marginal pastureland devoted to CP22, CP29, and CP30, the additional incentive amount is equal to 20 percent of the applicable marginal pastureland rental rate.

196 Annual Payments (Continued)

B Per Acre Maximum Payment Rate Additional Incentive (Continued)

For land within approved public wellhead protection areas, an additional incentive amount equal to 10 percent of the weighted average SRR shall be added to the weighted average SRR.

Note: Practices CP1, CP2, CP3, CP3A, CP4B, CP4D, and CP10 are eligible within an approved public wellhead protection area only. See subparagraph 66 D.

--Important:** CP10 is only eligible for enrollment before March 14, 2011.**--

The 10 percent and 20 percent additional incentives are not additive.

Example 1: Producer offers 3 acres to be devoted to a field windbreak. The 3 acres are located within an approved public wellhead protection area. The per acre incentive amount would equal 20 percent of the weighted average SRR because of the practice offered (CP5A).

Example 2: Producer offers 3 acres within an approved wellhead protection area with 2 acres to be devoted to CP1 and 1 acre to be devoted to a field windbreak. The County Office may complete separate CRP-2's for each practice or calculate a weighted average incentive percentage using 20 percent for the 1 acre devoted to a field windbreak and 10 percent for the 2 acres devoted to CP1. See paragraph 212.

See subparagraph D for calculating the per acre maximum payment rate.

C Per Acre Maintenance Rates for Continuous Signup Practices

Per acre maintenance incentive rates shall be established to reimburse participants for the average annual cost of practice maintenance. Maintenance rates:

- may be established by geographic area, practice type, or other criteria
- above $0 shall only be established when the participant will be required to perform substantial maintenance on the acreage enrolled for continuous signup practices CP5A, CP16A, CP17A, CP21, CP22, CP29, and CP30 according to this subparagraph.

196 Annual Payments (Continued)

C Per Acre Maintenance Rates for Continuous Signup Practices (Continued)

STC's, upon State Technical Committee recommendation and with NRCS consultation, shall establish a per acre maintenance rate:

- not to exceed $2 per acre for new CP5A, CP16A, and CP17A

  Note: The revised maintenance incentive applies to all new offers except for CREP. CREP related maintenance incentives are governed by approved CREP agreements.

- according to the following for the following new practices.

IF the practice is...	AND it includes...	THEN the maintenance rate shall not exceed...
CP21, CP29, or CP30	no fencing or water facility development	$0
	permanent fencing with no water facility development	$4
	permanent fencing and water facility development	$5
CP22	no fencing or water facility development	$2
	permanent fencing with no water facility development	$4
	permanent fencing and water facility development	$5

Note: The maintenance incentive applies to all new offers except for CREP. CREP related maintenance incentives are governed by approved CREP agreements.

STC's shall ensure that the basis for the maintenance rates is clearly documented in the STC minutes.

196 Annual Payments (Continued)

C Per Acre Maintenance Rates for Continuous Signup Practices (Continued)

COC shall ensure that conservation plans include:

- provisions for the maintenance of the approved cover and practices
- the applicable components for the maintenance rate provided.

Important: Single strand electric fence is **not** considered a permanent fence for CRP. Components **must** be maintained for the life of CRP-1.

D Calculating Per Acre Maximum Payment Rates

The formula to calculate the per acre maximum payment rate for continuous signup offers for:

- cropland is:

  (weighted average SRR per acre) + (additional incentive (10 or 20 percent as appropriate) of weighted average SRR per acre) + (applicable maintenance rate per acre)

  Note: The applicable incentive percentage is based on the practice offered. See subparagraph B.

- marginal pastureland is:

  (applicable marginal pastureland rental rate per acre) + (additional incentive (20 percent) of applicable marginal pastureland rental rate per acre) + (applicable maintenance rate per acre).

Important: County Offices shall complete separate CRP-2C's and CRP-1's for marginal pastureland. See paragraphs 211 and 212.

Exception: Continuous signup incentives do not apply to land enrolled using infeasible-to-farm criteria.

Note: Infeasible-to-farm does **not** apply to marginal pastureland.

197 One-Time Payments

A CRP-SIP

CRP-SIP is a one-time incentive payment made to participants that enroll certain practices **after all** of the following are met:

- CRP-1 is approved
- AD-1026 has been completed and signed
- certification of compliance with 1-PL or 4-PL, as applicable.

Exception: CRP-SIP is **not** authorized for re-enrolled continuous, FWP practices, or infeasible to farm acres.

Note: Land that is currently under contract or has expired, and the cover has been maintained, is not eligible for SIP.

Important: CRP-SIP's shall **not** be made until **all** eligibility determinations have been made according to 1-PL or 4-PL, as applicable.

Participants that enroll practices CP5A, CP8A, CP16A, CP17A, CP21, CP22, CP23, CP23A, CP27, CP28, CP29, CP30, CP31, CP33, CP36, CP37, CP38A-E, CP39, CP40, CP41, or ***--**CP42 (continuous signup only) may receive CRP-SIP.**--***

Important: CRP-SIP is **not** applicable to any other practice.

197 One-Time Payments (Continued)

A CRP-SIP (Continued)

CRP-SIP is a one-time payment of $10 for each eligible acre enrolled for each full year of CRP-1. CRP-SIP is calculated by multiplying the number of eligible acres enrolled times the *--number of full years, **not to exceed 10 years**, of CRP-1 multiplied times $10.

Exception: For practices CP23, CP23A, CP33, and CP42, CRP-SIP is calculated by multiplying the number of eligible acres enrolled times the number of full years, not to exceed 10 years, of CRP-1 multiplied times $15.--*

Note: CREP related maintenance incentives are governed by approved CREP agreements.

Examples: If CRP-1 is:

- 10 years and 7 months in length, CRP-SIP is calculated using only 10 years
- 12 years and 3 months in length, CRP-SIP is calculated using only 10 years.

The following provides additional information and examples for calculating CRP-SIP's.

Step	Action
1	Determine the number of acres enrolled that are eligible for CRP-SIP. Only certain practices are eligible for CRP-SIP. **Example:** Producer enrolls 5 acres to be devoted to CP22 and 10 acres to be devoted to CP18B on the same tract. The duration of CRP-1 will be 10 years and 7 months. CRP-SIP is applicable only to the 5 acres of CP22.
2	Determine the number of full years of CRP-1. CRP-SIP is made for full years of CRP-1 only. **Important:** Always truncate part years of CRP-1's. **Example:** Using the CRP-1 in step 1, there are 10 full years in the approved CRP-1. Therefore, 10 years will be used to calculate CRP-SIP.
3	Multiply the result of step 1 times the result of step 2 times $10. **Example:** Using the results of the examples in steps 1 and 2, the one-time CRP-SIP is $500 = 5 acres x 10 years x $10.

197 One-Time Payments (Continued)

A CRP-SIP (Continued)

CRP-SIP shall be:

- a one-time payment only
- rounded to the nearest whole dollar, see paragraph 462
- subject to the prompt payment provisions, see paragraph 462
- divided among participants according to the shares on CRP-1
- subject to the CRP $50,000 FY payment limitation, see paragraph 461
- issued according to 1-FI *** * ***
- refunded if CRP-1 is terminated, see paragraph 571
- offset, if applicable, see paragraph 465
- assigned, if applicable, see paragraph 465
- based on a 10-year contract only.

Note: The revision to SIP applies to all new offers except for CREP. CREP-related *** * *** incentives are governed by approved CREP agreements.

CRP-SIP is a separate payment from all of the following:

- annual rental payment
- C/S payment
- PIP
- CP23 one-time incentive payment for CRP-1's approved before November 3, 2008.

197 One-Time Payments (Continued)

B PIP

PIP is a one-time incentive payment made to participants that enroll land in CRP to be devoted to continuous signup practices **after all** of the following are met:

- CRP-1 is approved
- AD-1026 has been completed and signed
- participant signs AD-245, page 2, and reports completion of practice
- technical agency or producer certifies performance on AD-862
- all necessary documents to calculate total C/S amount are obtained
- certification of compliance with 1-PL or 4-PL, as applicable.

PIP is:

- authorized for re-enrolled continuous signup practices only if new C/S is approved
- **not** authorized for infeasible to farm acres.

Important: PIP's shall **not** be made until **all** eligibility determinations have been made according to 1-PL or 4-PL, as applicable.

PIP is a one-time incentive payment:

- applicable to all continuous signup practices, including re-enrolled continuous signup practices, except CP15B

  Notes: See subparagraph 66 D for eligible practices for continuous signup.

  --**CREP related incentives are governed by approved CREP agreements.**--

- equal to 40 percent of the total **eligible** cost of practice installation.

Important: Do **not** include ineligible costs when calculating PIP.

Note: Partial PIP payments are not authorized.

197 One-Time Payments (Continued)

B PIP (Continued)

Determine the total **eligible** cost of practice installation. Do **not include** ineligible costs when calculating PIP. The following table provides additional information and examples for calculating PIP's.

Note: PIP cannot exceed 100 percent of the producer's out-of-pocket cost.

Example No. 1	
Step	**Action**
1	Bob Smith enrolled 10 acres as CP22. The average cost to establish hardwood trees is $150 per acre for the needed components. Bob Smith submits an invoice that totals $200 per acre to establish the required components for the practice. The eligible cost used to determine C/S cannot exceed $150 per acre. The difference between the $200 per acre invoice and the $150 average cost is considered **ineligible cost**. Bob Smith received C/S of $750 (10 ac. x $150 = $1,500 cost x .50 = $750). AD-862, item H1, total eligible installation cost, is $1,500 and item H2, cost-share, is $750. Bob Smith receives 100 percent shares on CRP-1.
2	Multiply AD-862, item H2, cost-share, times 80 percent ($750 x .80 = $600). PIP is $600.
Example No. 2	
Step	**Action**
1	John Jones and Bob Smith enroll 5 acres to be devoted to CP22 and 10 acres to be devoted to CP18B on the same tract. John Jones total eligible cost to install CP22 and CP18B was $5,500. John Jones received $4,000 from the State Department of Natural Resources. John Jones' out-of-pocket cost was $1,500. Bob Smith did not have any out-of-pocket cost. The value of the contribution from the State Department of Natural Resources plus John Jones out-of-pocket cost did not exceed the established eligible cost. John Jones received $1,500 C/S assistance ($5,500 x .50 = $2,750, limited to $1,500, John Jones out-of-pocket cost). AD-862, item H1, total eligible installation cost, is $5,500 and item H2, cost-share, is $1,500. John Jones and Bob Smith shares on CRP-1 are 50/50.
2	Multiply AD-862, item H2, cost-share, times 80 percent ($1,500 x .80 = $1,200). John Jones out-of-pocket cost was $1,500. PIP is limited to $1,200. John Jones' PIP is limited to $600.

197 One-Time Payments (Continued)

B PIP (Continued)

PIP shall be:

- a one-time payment only, regardless if C/S is paid for reestablishment
- rounded to the nearest whole dollar, see paragraph 462
- subject to the prompt payment provisions, see paragraph 462
- divided among participants according to the shares on CRP-1
- subject to the CRP $50,000 FY payment limitation, see paragraph 461
- issued according to 1-FI *** * ***
- refunded if CRP-1 is terminated, see paragraph 571
- offset, if applicable, see paragraph 465
- assigned, if applicable, see paragraph 465.

PIP is a separate payment from all of the following:

- annual rental payment

- C/S payment

- CRP-SIP

- ***--**CP23 one-time incentive payment for CRP-1's approved before November 3, 2008, or according to approved CREP agreements.**--***

198 First Year Prorated Annual Rental Payment for Continuous Signup

A Prorated Annual Rental Payment

All CRP annual rental payments are made after October 1 of each year of the contract period. All CRP-1's **must** be for a minimum duration of 10 years and shall not exceed 15 years. See paragraph 213.

Because CRP-1's for certain land enrolled through continuous signup may have an effective date other than October 1, the first year's annual rental payment may be for less than a 12-month period.

B Example of Prorated Annual Rental Payment

Producer offers land not currently enrolled in CRP for enrollment through continuous signup. ***--**The 10-year CRP-1 was approved by COC or CED on February 22, 2010, with an**--***
effective date of March 1, 2010. Because the CRP-1 effective date is March 1, 2010, the producer would receive CRP payments for 10 years and 7 months if all eligibility requirements were met.

The producer would receive a total of 11 annual payments. The first annual rental payment would be made after October 1, 2010, for the 7 months (March 1, 2010, through September 30, 2010) CRP-1 was effective in FY 2010. The prorated annual rental payment **must** be made through special processing. The remaining 10 annual rental payments would be made after October 1 of each applicable year through the normal payment process.

Important: All CRP annual rental payments, including first year prorated annual rental payments, shall be made after October 1 of the applicable year. See paragraph 462.

199-210 (Reserved)

Section 3 Processing Continuous Signup Offers

211 Continuous Signup Process Information

A Receiving Continuous Signup Offers

Producers may submit offers of acreage for CRP at any time by submitting an offer on CRP-1 and CRP-2C. There is no deadline to submit an offer under continuous signup.

Note: A new signup number shall be used for each FY. See paragraph 171.

Offers **must** be submitted by tract. See 2-CM for a definition of a tract.

Producers shall:

- indicate the acreage and practice to be enroll in CRP
- identify the acreage offered on an aerial photograph
- indicate the per acre rental rate offered.

B Separate Offers

Separate CRP-1's **must** be completed for:

- each CRP-2C completed
- practices with different lifespans.

Example: Producer offers 5 acres to be devoted to a filter strip with a 10-year lifespan and 3 acres to be devoted to a riparian buffer with a 13-year lifespan on the same tract. Only one CRP-2C is completed for the offer. However, separate CRP-1's **must** be completed for each practice.

211 Continuous Signup Process Information (Continued)

C Informing Producers

County Offices shall inform producers:

- CRP-1 (Exhibit 21) is a binding contract

- changes are not allowed on the preprinted portion of CRP-2C, CRP-1, or CRP-1 Appendix

- any changes to the data entered on CRP-2C, CRP-1, CRP-1 Continuation, or other CRP form **must** be initialed and dated by both the employee making the change and the producer

- ***--**CRP-1 **must** be signed and dated by all required signatories before COC or CED may**--*** approve CRP-1

  Note: See paragraph 335 for signature requirements.

- the total enrollment of cropland in CRP and DCP cannot exceed the total cropland on the farm

--Note:** See subparagraph 401 B.**--

- of provisions regarding CRP-1 effective date.

  Note: See paragraph 213 for applicable CRP-1 effective dates for continuous signup.

211 Continuous Signup Process Information (Continued)

D Withdrawing Offers and Acreage Modifications

For continuous signups, before CRP-1 is approved by COC or CED, producers may modify the offer in any way except changes to the following:

- practice offered to another practice that is not eligible for continuous signup
- rental rate per acre offered to exceed the calculated maximum payment rate.

Note: See paragraphs 171 and 181.

Producers who withdraw or modify acreage offered under continuous signup **before** CRP-1 is approved shall not be assessed liquidated damages.

Important: Liquidated damages are applicable after CRP-1 is approved.

If the producer modifies acreage offered after NRCS or TSP has completed CRP-2C, TSP shall review the changes and make adjustments where necessary.

A *** * *** measurement service, if applicable, shall be completed for all acreage determined acceptable **before** CRP-1 is approved. See paragraph 401.

Exception: Any acreage currently enrolled that is being reoffered if the acreage was previously measured and official fields.

211 Continuous Signup Process Information (Continued)

*--E COC or CED Responsibilities

Before submitting CRP-2C to NRCS or TSP, COC or CED shall determine whether all eligibility requirements in paragraph 181 are met.

Exceptions: COC or CED shall not make a determination about:--*

- suitability of the acreage for the practice offered
- need and feasibility of the practice offered to solve the resource concern
- the eligibility of the per acre rental rate offered amount until maximum payment rate amount is calculated
- county cropland limit eligibility according to Part 4.

*--If all applicable eligibility requirements in paragraph 181 are **not** met, COC or CED shall:--*

- **not** submit CRP-2C to TSP
- use CRP-26 to inform producer the offer was not acceptable.

F TSP Responsibilities

NRCS or TSP shall, for every continuous signup CRP-2C received:

- complete a site visit to determine whether the:
  - land offered is suitable for the practice offered
  - practice offered is needed and feasible to solve the resource concern
  - existing cover is functioning as the practice offered (paragraph 181)

- *--return completed CRP-2C's to COC or CED to calculate maximum payment rate.--*

212 Completing CRP-2C for Continuous Signup

A Overview

CRP-2C shall be completed for all acreage on which producers want to submit a request for enrollment. The document is used by FSA and NRCS or TSP to:

- make eligibility determinations
- calculate maximum payment rates
- obtain data and statistics on acreage offered for the program.

Notes: See paragraph 333 for completing CRP-2 for general CRP signups.

--**Offers containing both MPL and cropland with the same practice lifespans may be completed using one CRP-2C and CRP-1.**--

*** * ***

To be eligible to be enrolled in CRP, MPL **must** be devoted to a riparian buffer devoted (planted or natural regeneration) to trees, wildlife habitat buffer, or wetland buffer. See paragraph 181.

Important: Land that meets the definition of cropland shall **not** be enrolled in CRP as MPL. See 3-CM for the definition of cropland.

212 Completing CRP-2C for Continuous Signup (Continued)

B Completing CRP-2C

Complete CRP-2C for continuous signup according to the following table.

All item numbers, except item numbers 2, 3B, and 6, **must** be completed before producer signs CRP-2C. If an item number is not applicable to the offer, enter "N/A". NRCS or TSP shall return all incomplete CRP-2C's to FSA for completion.

Note: Before completing CRP-2C, the County Office shall ensure that the base limitation is ***--**not exceeded. See subparagraph 401 B and 1-DCP, paragraph 64.**--***

All changes to data entered on CRP-2C, including completion of item numbers 2 and 3B after producer signs CRP-2C, must be initialed and dated by both the employee making the change and the producer.

*** * ***

Item	Instructions
1	Enter tract number.
2	Enter the program year after the producer elects an effective date. See subparagraph 171 B for program year and paragraph 213 for effective dates.
3A	Enter the signup number.
3B	Enter the date CRP-1 will be effective if the acreage offered is accepted. See paragraph 213.
4A through 4E	Enter the: • farm number • producer's name, address, and telephone number • County Office address and telephone number.

212 Completing CRP-2C for Continuous Signup (Continued)

B Completing CRP-2C (Continued)

Item	Instructions
5A	Enter the State and county code where the acreage being offered is administratively located.
5B	If **all** of the acreage being offered is: • physically located in the State and county where the acreage being offered is administratively located, enter the same State and county code entered in item 5A • **not** physically located in the State and county where the acreage being offered is administratively located, enter the State and county code where at least 51 percent of the acreage being offered *** * *** is physically located. **Important: Do not leave this entry blank.**
6	Enter the CRP-1 number after approval by a CCC representative. Number CRP-1's in the sequence in which approved. Use only 1 series (1, 2, 3, etc. up to 8999) regardless of FY in which CRP-1 is approved.
7	Enter the number of acres to be offered for enrollment in CRP. Round to the nearest tenth of an acre.

212 Completing CRP-2C for Continuous Signup (Continued)

B Completing CRP-2C (Continued)

Item	Instructions
8	Check the applicable box. **Check only 1 box.** If the applicant requests C/S assistance for **any** practice listed in item 11, check the "YES" box. If the applicant declines C/S assistance for **all** practices listed in item 11, check the "NO" box. **Important:** If the "NO" box is checked, the producer will be ineligible for C/S assistance if the offer is accepted.
9	To be completed by the producer after the maximum payment rate is calculated. **Important:** For FWP and CREP offers, the producer **must** complete this item. County Office shall **not** complete this item.
10	Check the applicable signup type. **Check only 1 box.**
11A through 11D	Enter the: • practices the producer wants to install • applicable acreage amount • total estimated C/S per practice • practice length. Enter the estimated total C/S amount for each applicable practice, in whole dollars, needed for the acres offered. When computing the estimated total C/S amount, use flat C/S rates for components that accurately reflect the average costs of installing the practice. Do not use "not to exceed" rates for this item. **Note:** This policy does not apply when calculating actual C/S for practice approvals and payment calculations on AD-245. The amount of C/S paid is not limited to the amount on CRP-2C.

212 Completing CRP-2C for Continuous Signup (Continued)

B Completing CRP-2C (Continued)

Item	Instructions
12	Enter the hydrologic unit code number. Enter the 8-, 10-, 11-, 12-, or 14-digit number.
13	Enter the total number of eligible acres offered in the **applicable** continuous signup categories. Depending on the acreage and practices offered, acres may be ***--**entered in 1 or all of the continuous signup categories for cropland and/or MPL acres.**--*** **Important:** Do **not** enter data in any category except the **applicable continuous signup categories**. ***--**See paragraph 211 for completing CRP-1's for offers with practices with different lifespans.**--*** **Examples:** If the producer offers 3 acres within an approved public wellhead protection area to be devoted to CP1, ENTER "3" in the block titled "Wellhead Protection Acres". If the producer offers 3 acres within an approved public wellhead protection area to be devoted to CP5A, ENTER "3" in the block titled "Wellhead Protection Acres" and also ENTER "3" in the block titled "Other Cropland". If a producer offers 5 acres within an approved public wellhead protection area to be devoted to CP1 and 2 acres of marginal ***--**pastureland to be devoted to CP22, the County Office shall process the offer on the same CRP-2C provided the practice lifespans are the same.**--***

212 Completing CRP-2C for Continuous Signup (Continued)

B Completing CRP-2C (Continued)

Item	Instructions
14A	Enter the physical location.
14B	***--**For offers than contain cropland only, enter the soil survey area ID number**--*** associated with the primary, secondary, and tertiary soil map unit symbols for the eligible acreage offered. **Example:** A producer offers 20 acres for enrollment in CRP continuous signup. Five acres are determined ineligible for enrollment. Enter the soil survey ID number associated with the primary, secondary, and tertiary soil map unit symbols for the 15 eligible acres only. ***--**For offers that contain MPL only, enter the soil survey area ID number for**--*** the soil survey applicable for the eligible MPL offered. **Note:** MPL rental rates are not based on the soil survey. ***--**For offers with both cropland and MPL, at least 1 of the 3 soil survey ID number entries **must** include the applicable MPL soil survey area ID number. Primary, secondary, and tertiary soils, including MPL soil, must be based on the number of acres of each soil. **Example:** The offer is for 20.0 acres with 15.0 acres of MPL soils and 5.0 acres of cropland soils. The primary soil would be 15.0 acres of MPL, and secondary soil is 5.0 acres of cropland soils. **Note:** For offers with more than 3 predominant soils and MPL, exclude the tertiary soil and use the MPL rate in place of the tertiary soil.

14C	For offers that are cropland only, enter the primary, secondary, and tertiary soil map unit symbols for the entire eligible acreage offered.
	
	For offers that are MPL only, if the county has:**--***
	
	• one MPL rental rate, enter “MPLALL”
	• two MPL rental rates, enter:
	
	  • “MPLSEA” if the eligible land offered is adjacent to a seasonal stream
	
	  • “MPLPER” if the eligible land offered is adjacent to a perennial stream or other permanent water body.
	
	Important: See subparagraph 171 C *** * ***.

212 Completing CRP-2C for Continuous Signup (Continued)

B Completing CRP-2C (Continued)

Item	Instructions
14C (Cntd)	***--**For offers with both cropland and MPL, at least 1 of the 3 predominant soils **must** include the MPL rental rate. For MPL, if the county has: • one MPL rental rate, enter "MPLALL" • two MPL rental rates, enter the MPL rate for the MPL type that is 51 percent or greater of the total MPL acres.
14D	For offers that are cropland only, enter the primary, secondary, and tertiary soil map unit acres for the eligible acreage offered. Add lines 1 through 3 and enter the result on the Total line. For offers that are MPL only, enter the number of eligible MPL acres offered for each type (MPLALL, MPLPER, or MPLSEA) listed in item 14C. Add lines 1--***** and 2 and enter the result in the Total line. **Example:** Producer in a country with two MPL rental rate offers 7 acres of eligible MPL adjacent to a perennial stream and 5 acres of eligible MPL adjacent to a seasonal stream on the same tract. Enter 7 acres in line 1 of item 14D with a soil map unit symbol of "MPLPER" and 5 acres in line 2 of item 14D with a soil map unit symbol of "MPLSEA." Enter 12 acres in the Total line of item 14D. ***--**For offers with cropland and MPL, enter: • **for cropland**, up to 2 predominant soil map unit acres for the eligible cropland portion offered • **for MPL**, the total MPL acres offered following item 14C for the MPL portion offered. Add lines 1 through 3 and enter the result in the Total line. **Important:** At least 1 of the entries in item 14D must be the total MPL acres for the offer.**--***

212 Completing CRP-2C for Continuous Signup (Continued)

B Completing CRP-2C (Continued)

Item	Instructions
14E	***--**For offers that are cropland only, enter the appropriate SRR from the soil/payment rate table for each soil type listed in column C. For offers that are MPL only, enter the appropriate MPL rental rate for the type listed (MPLALL, MPLSEA, or MPLPER) in column C. For offers with both cropland and MPL, enter: • **for cropland**, the appropriate SRR from the soil/payment rate table for soil types listed in column C • **for MPL**, the appropriate MPL rental rate according to item 14C for the MPL portion.**--*** *** * ***
14F	Multiply column D times column E, and enter the result in column F. **Note:** Add lines 1 through 3, and enter the result on the Total line.

212 Completing CRP-2C for Continuous Signup (Continued)

B Completing CRP-2C (Continued)

Item	Instructions
15	***--**For offers that are cropland only, do either of the following:**--*** • if more than 1 soil type is listed in item 14C, enter the weighted average SRR by dividing item 14F, line 4 by item 14D, line 4 • if only 1 soil type is listed in item 14C, enter SRR for that soil type. ***--**For offers that are MPL only, do either of the following:**--*** • if more than one MPL type is listed in item 14C, enter the weighted average MPL rental rate by dividing item 14F, line 4 by item 14D, line 4 • if only one MPL type is listed in item 14C, enter the MPL rental rate for that type MPL. ***--**For offers with both cropland and MPL, enter the weighted average SRR and MPL rental rate by dividing item 14F, line 4 by item 14D, line 4.**--***

212 Completing CRP-2C for Continuous Signup (Continued)

B Completing CRP-2C (Continued)

Item	Instructions
16	Complete item 16 only when an offer is being submitted for practices eligible for a per acre incentive, according to subparagraph 196 B. Enter the result of multiplying item 15 times the total acres in item 14D times the applicable percentage. If an offer contains practices eligible for differing incentive percentages, including offers containing practices not eligible for an incentive, the County Office may do either of the following: • complete a separate CRP-2C for each practice • calculate a weighted average incentive percentage. **Note:** Separate CRP-1's **must** be completed: • if separate CRP-2C's are completed • for practices with different lifespans. **Example:** A producer's offer includes 10 acres of CP1, located within an approved public wellhead protection area, and 5 acres of CP21. The weighted average SRR (item 15) for the offer is $40. The County Office calculates a weighted average incentive percentage by: • multiplying the number of acres offered for each practice times the applicable incentive percentage for that practice, according to subparagraph 196 B (10 X .1 = 1.0 for CP1 and 5 x .2 = 1.0 for CP21) • dividing the resulting total by the total acres offered (round to 2 decimal places) (2.0 divided by 15 = 0.13). The weighted average incentive percentage would be 0.13. The County Office would enter the result of multiplying the weighted average SRR (item 15) times the weighted average incentive percentage (0.13), rounded to 2 decimal places, in item 16. For this example, the County Office would enter $5.20 ($40 x 0.13) in item 16. **Notes: Infeasible to farm acres are not eligible for incentive payments.** ***--**MPL is **not** eligible for infeasible to farm.**--***

212 Completing CRP-2C for Continuous Signup (Continued)

B Completing CRP-2C (Continued)

Item	Instructions
17A	Enter the physical location.
17B	For cropland offered as infeasible to farm acreage, enter the soil survey area ID number associated with the primary, secondary, and tertiary soil map unit symbols for the eligible infeasible to farm acreage offered. ***--Note:** For offers with both cropland and MPL acres, enter only the soil survey ID numbers used in item 14C.**--*** **Example:** A producer offers an 11 acre field adjacent to a perennial stream to be to a filter strip. Only 10 acres are eligible for the filter strip. At least 50 percent of the field was offered as a filter strip and the 1 acre remaining does not exceed 25 percent of the filter strip acreage. The 1.0 acre may be enrolled as infeasible to farm acreage. See paragraph 182.
17C	For cropland, enter the primary, secondary, and tertiary soil map unit symbols for the entire eligible acreage offered as infeasible to farm acreage. ***--Note:** For offers with cropland and MPL acres, enter only the map unit symbols used in item 14C for cropland acres. Infeasible-to-farm criteria does not apply to practices on MPL. Do not include MPL acres or MPL rates when calculating infeasible-to-farm acres where both cropland and MPL acres are on the offer.**--*** In the case of: • FWP where there is no soil survey data or soil data is delineated as “W” water, the soil map unit symbol should be AVGRT (the county average CRP rental rate) • CP39, if the offered acreage is on MPL and cropland, use the weighted average of MPL and cropland.

212 Completing CRP-2C for Continuous Signup (Continued)

B Completing CRP-2C (Continued)

Item	Instructions
17D	For cropland, enter the primary, secondary, and tertiary soil map unit acres for the eligible infeasible to farm acreage offered. Add lines 1 through 3 and enter the result on the Total line. ***--Note:** For offers with both cropland and MPL acres, enter only the acres used in item 14D for cropland acres.**--***
17E	For cropland, enter the appropriate SRR from the soil/payment rate table for each soil type listed in column C. *** * ***
17F	Multiply column D times column E, and enter the result in column F. *** * *** **Note:** Add lines 1 through 3, and enter the result on the Total line.
18	Enter the weighted average SRR plus the total Incentive Payment amounts using the following formula: Items 14F + 16 + 17F divided by the total acres (14D + 17D).

212 Completing CRP-2C for Continuous Signup (Continued)

B Completing CRP-2C (Continued)

Item	Instructions
19	Enter the established maintenance rate, if applicable. **Note:** See subparagraph 196 C for establishing and limits on maintenance rates. When land offered is physically located in more than 1 State and/or county and each State and/or county has a different maintenance rate for the practice offered, the County Office shall calculate and enter a weighted average maintenance rate from the State/county where the predominance of land offered is physically located. When multiple practices with different maintenance rates are offered, the County Office shall calculate and enter a weighted average maintenance rate. **Example:** STC established maintenance rates of $2 for CP22 and $4 for CP21. A producer's offer includes 20 acres of CP22, and 5 acres of CP21. The County Office calculates the weighted average maintenance rate by: • multiplying the number of acres offered times the maintenance rate for each practice ($40 for CP22, and $20 for CP21) • dividing the total dollar amount by the total acres offered rounded to 2 decimal places ($60 divided by 25 =$2.40). The County Office would ENTER "$2.40" in item 19.

212 Completing CRP-2C for Continuous Signup (Continued)

B Completing CRP-2C (Continued)

Item	Instructions
20	Add items 18 and 19 and enter the result in this item.
Complete items 21 through 25 to determine 4 out of 6 years cropping history and other data for the acres being offered for enrollment.	
21	Enter the tract number.
22	Enter the current field number. **Note:** Subdivide field if a portion of the cropland in the field does not meet the cropland eligibility according to subparagraph 151 A.
23	List current crop and land use. Enter the CRP acres and practice, by code, to be implemented. Enter the practices to be cost-shared and practices that will not be cost-shared separately.
24A	Enter the acreage offered by field.
24B	***--**If COC or CED determines that:**--*** • **all** acreage meets the applicable requirements according to paragraph 181, *** * *** enter the acreage amount by field in this item • **all** acreage offered does not meet the applicable requirements according to paragraph 181, CRP-2C shall **not** be submitted to NRCS or TSP **Note:** *** * *** ENTER "0" in this item. • part of the acreage offered does not meet the applicable requirements according to paragraph 181, **before** submitting CRP-2C to NRCS or TSP, *** * *** enter the amount of eligible acres in this item • the acreage meeting all requirements will be recorded on CRP-1. After receiving completed CRP-2C, NRCS or TSP shall determine whether the acreage is suitable for the practice offered and if the practice is needed and ***--**feasible to solve the resource concern. NRCS or TSP shall provide COC or CED written documentation that the acreage is not eligible.**--***

212 Completing CRP-2C for Continuous Signup (Continued)

B Completing CRP-2C (Continued)

Item	Instructions
24C through 24I	For cropland, enter the years for which cropping history is being recorded, then enter the crop code using short abbreviations of not more than 4 letters, such as "Wht", "Corn", "SB", "Sorg", and "CU" for the applicable year. County Offices shall record any 4 years of cropping history for the 6 applicable years (2002 through 2007). It is not necessary to list all 6 years to determine cropping history eligibility. For FWP, County Offices shall record any 3 years of cropping history for the 10 applicable years. It is not necessary to list all 10 years to determine cropping history eligibility. For commercial pond-raised aquaculture (CP40), County Offices shall record "pond" for eligible land for wetland restorations that was devoted to commercial pond-raised aquaculture any 1 year 2002 through 2007. For flooded prairie wetlands (CP41), County Offices shall enter "FPW" to record producer's certification for cropland that was: • subject to the natural overflow of a prairie wetland • **physically** cropped during at least 3 out of the 10 crop years after January 1, 1990, and **before** December 31, 2002. For MPL, enter "MPL" in item 24C.
25	Enter the totals of item 24B.
26 through 27B	**Have the producer read, sign, and date the CRP-2C certification**. **The producer shall sign CRP-2C**. **The County Office shall not process offer until producer signs CRP-2C**. **Unsigned CRP-2C's shall not be considered timely filed**.

212 Completing CRP-2C for Continuous Signup (Continued)

C Example of CRP-2C

The following is an example of CRP-2C.

This form is available electronically. *(See Page 2 for Privacy Act and Public Burden Statements)*

CRP-2C (07-23-10)

U.S. DEPARTMENT OF AGRICULTURE
Farm Service Agency

CONSERVATION RESERVE PROGRAM WORKSHEET
(For Continuous Signup)

1. Tract Number: 106	2. Program Year: 2010
3A. Sign Up Number: 38	3B. Effective Date (*MM-DD-YYYY*): 10-1-2009
4A. Farm Number: 574	4B. Name and Address Of Producer (*Zip Code*): John H. Producer, 1675 Virginia Lane, Anytown, AL; Telephone Number (*Include Area code*): (212) 555-1212
5A. State & County Code Admin. Location: 17163	5B. State & County Code Physical Location: 17157
6. Contract Number:	7. Acres for Enrollment: 9
4C. County FSA Office Address (*Zip Code*): St. Clair CO FSA Office, 2031 Mascoutah Avenue, Belleville, IL 6220	4D. County FSA Office Telephone No. (*Include Area Code*): (212) 555-1213
8. IS Cost-Share Requested? YES ☒ NO ☐	9. Rental Rate Per Acre Offered: $ 64.67
10. Signup Type (*Check one*): CONTINUOUS ☒ CREP ☐ FWP ☐	

11. Practices:

A. Practices	B. Acres	C. Estimated Total C/S	D. Length
CP21	9	$1000	15

12. HUC Number:

13. Land Eligibility Category by Acres: (*Enter the amount eligible for each criteria.*)

Marginal Pastureland	
CREP Acres	
Wellhead Protection Acres	
Expiring CRP	
Infeasible to Farm	1.0
Other Cropland	

14. Soil Map Data and Maximum Payment Rate Calculations:

	A. Physical Location	B. Soil Survey ID No.	C. Map Unit Symbol	D. Acres	E. Soil Rental Rate	F. Total Rent
(1) Primary	17157	1L157	122B	8 x	$ 55 =	$ 440.00
(2) Secondary				x	$ =	$
(3) Tertiary				x	$ =	$
			TOTALS	8		$ 440.00

15. Weighted Average Soil Rental Rate (*Col. 14F Total divided by Col. 14D total*): $ 55.00

16. Total Incentive (*if applicable*) (*Item 15 times 14D times applicable incentive percentage*): $ 88.00

17. Soil Map Data and Maximum Payment Rate Calculations. For Infeasible to farm Acreage:

	A. Physical Location	B. Soil Survey ID No.	C. Map Unit Symbol	D. Acres	E. Soil Rental Rate	F. Total Rent
(1) Primary	17157	1L157	216G	1 x	$ 36 =	$ 36
(2) Secondary				x	$ =	$
(3) Tertiary				x	$ =	$
			TOTALS	1		$ 36

18. Weighted Average Soil Rental Rate Plus Total Incentive (*14F + 16 + 17F*) divided by (*14D + 17D*): $ 62.67

CONTRACT TOTALS

19. Weighted Average Maintenance Rate for Contract: $ 2.00

20. Maximum Payment Rate (*Item18 + Item 19*): $ 64.67

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212 Completing CRP-2C for Continuous Signup (Continued)

C Example of CRP-2C (Continued)

CRP-2C (07-23-10) Page 2 of 2

21. Tract No.	22. Current Field No.	23. Current Crop or Land Use	24. Crop Land Use Summary								
			A. Offered Acres	B. Eligible Acres	C. 2007	D. 2006	E. 2005	F. 2004	G. ____	H. ____	I. ____
106	2	CORN	9	9	CORN	WHT	WHT	CORN			
		25. TOTALS ►		9							

26. PRODUCER'S CERTIFICATION:

By signing below I certify to all of the following: (1) I have been informed of the estimated cost of establishing the cover offered; (2) I have been informed that if I decline cost share assistance I will be ineligible for cost share assistance; (3) I have been informed that I may be required to pay for a measurement service on the acreage offered before such acreage may be enrolled in the CRP; (4) To the best of my knowledge and belief the acreage of crops and land listed herein, if applicable, are true and correct; and (5) The signing of this form gives USDA representatives authorization to enter and inspect crops and land uses and for other purposes on the above identified land.

I understand that an inaccurate certification could result in a payment reduction or loss of program benefits.

26A. Signature (By)	26B. Title/Relationship of the Individual if Signing in a Representative Capacity	26C. DATE (*MM-DD-YYYY*)
/S/ John H. Producer		08-28-2010

NOTE: *The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a - as amended). The authority for requesting the information identified on this form is 7 CFR Part 1410, the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), and the Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246). The information will be used by CCC to consider and process the offer to enter into a Conservation Reserve Program contract, to assist in determining eligibility, and to determine the correct parties to the contract. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated). Providing the requested information is voluntary. However, failure to furnish the requested information will result in a determination of ineligibility to enter into a Conservation Reserve Program contract.*

This information collection is exempted from the Paperwork Reduction Act, as it is required for administration of the Food, Conservation, and Energy Act of 2008 (see Pub. L. 110-246, Title II, Subtitle J- Miscellaneous Conservation Provisions).

The provisions of appropriate criminal and civil fraud, privacy, and other statutes may be applicable to the information provided. ***RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE****.*

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213 CRP-1 Period for Continuous Signup

A Overview

The duration of CRP-1 may vary for each CRP-1. The CRP-1 period shall be not less than 10 nor more than 15 FY's. See subparagraph 66 C for continuous signup practices and associated CRP-1 length.

Important: CRP payments shall not exceed 15 years.

B Effective Date of CRP-1 for Land Not Currently Enrolled in CRP

For land that is **not** enrolled in CRP at the time the producer submits CRP-1 and CRP-2C, the effective date of CRP-1's under continuous signup provisions shall be the first day of the ***--**month following the month COC or CED approves CRP-1.**--***

Exception: The producer may defer the effective date of CRP-1 up to 6 months. However, the effective date shall always be the first day of the applicable month. See subparagraphs E, F, and G for examples.

CRP-1's not approved within 6 months of the date the producer signs CRP-2C shall be rejected.

Because the producer may defer CRP-1 effective date up to 6 months, all crops **must** be removed from the accepted acreage before the effective date of CRP-1.

Notes: Unless CRP-1 is effective on October 1, of any year, the first year's annual payment shall be prorated and paid through special processing. See paragraph 198.

Grazing is prohibited beginning the later of the following:

- the effective date of CRP-1
- ***--**10 calendar days after COC or CED approves CRP-1.**--***

213 CRP-1 Period for Continuous Signup (Continued)

C Effective Date of CRP-1 for Land Currently Enrolled in CRP

Land currently enrolled in CRP may be offered for re-enrollment through continuous signup if all of the following are met:

- the land enrolled in CRP is in the last year of CRP-1

--Note:** The land may be offered for re-enrollment no earlier than 6 months before CRP-1 is scheduled to expire.**--

Important: If the land enrolled in CRP is **not** in the last year of CRP-1, the land is **not** eligible to be offered for re-enrollment.

- the acreage offered meets **all** of the applicable eligibility requirements according to paragraph 181

- CRP-1 effective date is October 1 of the year the existing CRP-1 expires.

Important: Land enrolled in CRP in the last year of CRP-1 is **not** eligible to be re-enrolled with an effective date other than October 1 of the year the ***--**existing CRP-1 expires. The CRP-1 effective dates for re-enrolled land is **not** authorized.**--***

D Expiration Date of CRP-1

Expiration date of CRP-1's under continuous signup provisions shall be September 30 of the applicable year, as determined by the duration of CRP-1, regardless of the effective date of CRP-1.

213 CRP-1 Period for Continuous Signup (Continued)

E Example 1 of 10-Year CRP-1

Producer offers land not currently enrolled in CRP for enrollment through continuous signup. CRP-1 was approved by COC or CED on July 22, 2010. The effective date shall be
***--**August 1, 2010, unless the producer chooses to defer the effective date and the expiration date shall be September 30, 2020. The producer may elect to defer the effective date up to 6 months.

Using this same example, a 6-month deferment would result in an effective date of February 1, 2011, and the expiration date for CRP-1 shall be September 30, 2021.**--***

Assuming an effective date of August 1, 2010, the producer would receive CRP payments for 10 years and 2 months if all eligibility requirements were met. Assuming an effective date of February 1, 2011, the producer would receive CRP payments for 10 years and 8 months.

Note: Each payment, including the first year prorated payment, will be paid after October 1 of each applicable year. See paragraph 198.

213 CRP-1 Period for Continuous Signup (Continued)

F Example 2 of 10-Year CRP-1

On July 2, 2010, producer offers land currently enrolled in CRP for enrollment through continuous signup. The existing CRP-1 expires September 30, 2010, and all other eligibility
--requirements are met. CRP-1 for acreage offered was approved by COC or CED on--
July 12, 2010. The effective date shall be October 1, 2010. The effective date shall **not** be deferred.

The expiration date shall be September 30, 2020.

G Example of 15-Year CRP-1

Producer offers land not currently enrolled in CRP for enrollment through continuous signup.
--CRP-1 was approved by COC or CED on February 22, 2010. The effective date shall be--
March 1, 2010, unless the producer chooses to defer the effective date. The producer may elect to defer the effective date up to 6 months.

In this example, a 6-month deferment would result in an effective date of September 1, 2010.

The producer shall not receive CRP payments for more than 15 years; therefore, the
--expiration date for CRP-1 shall be September 30, 2024. Assuming an effective date of--
March 1, 2010, the producer would receive CRP payments for 14 years and 7 months. Assuming an effective date of September 1, 2010, the producer would receive CRP payments for 14 years and 1 month.

Note: See paragraph 198 for first year prorated annual rental payments.

214 Completing CRP-1 for Continuous Signup

A Completing CRP-1

All item numbers, except item number 3, **must** be completed before producer signs CRP-1.

All changes to data entered on CRP-1 after producer signs CRP-1 must be initialed and dated by both the employee making the change and the producer.

Notes: Complete CRP-1 for continuous signup according to Exhibit 21.

See paragraph 215 for notifying producers.

Unlike a general CRP signup where CRP-1 effective date is known at the time the producer completes CRP-1 and CRP-2, the continuous signup CRP-1 effective date cannot be accurately determined at the time the producer completes CRP-2C.

Exception: The continuous signup CRP-1 effective date is known at the time the producer completes CRP-2C when the land offered is currently enrolled in CRP. See paragraph 215.

Because continuous signup CRP-1 effective date may not be known at the time the producer completes CRP-1 and CRP-2C and there is no penalty for withdrawing or modifying a continuous signup offer.

214 Completing CRP-1 for Continuous Signup (Continued)

A Completing CRP-1 (Continued)

The following provides an example of land offered for enrollment under continuous signup with the producer not signing CRP-1 until all documents and information required are obtained. **The following is an example for demonstration purposes only.**

Date	Action
February 22, 2010	Producer initiates CRP-2C to enroll land in CRP under continuous signup on February 22, 2010. The land is not currently enrolled in CRP and the producer wants CRP-1 to be effective as soon as possible.
March 2, 2010	***--**COC or CED determines all applicable eligibility requirements**--*** according to paragraph 181 have been met and submits CRP-2C to NRCS or TSP with copy of aerial map.
March 13, 2010	NRCS or TSP completes a site visit, determines the land is suitable for the practice offered, and the practice is needed and feasible to solve the resource concern.
March 15, 2010	NRCS or TSP completes the applicable items on CRP-2C and returns it to COC.
March 17, 2010	County Office calculates maximum payment rate and notifies producer that CRP-1 and CRP-2C is completed and ready for producer signature.

214 Completing CRP-1 for Continuous Signup (Continued)

A Completing CRP-1 (Continued)

Date	Action

April 3, 2010	For FWP and CREP, producer completes CRP-2C, item 9 and CRP-1, item 11A with an acceptable per acre rental rate offered amount and signs CRP-1 and CRP-2C. County Office provides producer CRP-1 Appendix and informs producer:
	
	• the offer is acceptable
	• starting the practice before CRP-1 approval is at the producers own risk
	• of all the requirements needed for CRP-1 approval, such as:
	
	  • working with NRCS or TSP to obtain a conservation plan
	  •*--completing a measurement service, see paragraph 401--*
	  • signed landlord/tenant certification statement.
	
	Note: See subparagraph 555 E for applicable CRP-1 Appendix.

May 17, 2010	County Office: • receives all required information and forms to approve CRP-1 • completes second party review of all eligibility requirements and maximum payment rate calculations.
May 25, 2010	COC or CED approves CRP-1 with an effective date of June 1, 2010.
May 26, 2010	County Office notifies producer of contract approval and effective date.

215 Notifying Producers With Continuous Signup Offers

A Unacceptable Offers

Before submitting CRP-2C to NRCS or TSP, COC or CED shall determine whether all eligibility requirements in paragraph 181 are met.

If all applicable eligibility requirements are **not** met, COC or CED shall:

- **not** submit CRP-2C to TSP
- use CRP-26 to inform producer the offer was not acceptable.

B Acceptable Offers

If CRP-2C is returned from NRCS or TSP and all eligibility requirements are met, COC or CED shall notify producer that CRP-1 and CRP-2C **must** be completed and signed.

Important: CRP-1 and CRP-2C not signed within 30 calendar days of the date the producer is notified CRP-2C is ready for signature shall be rejected.

If producer completes CRP-1 and CRP-2C with an acceptable per acre rental rate offered amount and signs CRP-1 and CRP-2, County Office shall provide producer CRP-1 Appendix and inform producer:

- the offer is acceptable using CRP-23
- starting the practice before CRP-1 approval is at the producers own risk
- of all the requirements needed for CRP-1 approval, such as:
    - working with NRCS or TSP to obtain a conservation plan
    - completing a *** * *** measurement service
    - signed landlord/tenant certification statement.

Note: See subparagraph 555 E for applicable CRP-1 Appendix.

215 Notifying Producers With Continuous Signup Offers (Continued)

B Acceptable Offers (Continued)

All changes to data entered on CRP-1 and CRP-2C after producer signs CRP-1 and CRP-2C must be initialed and dated by both the employee making the change and the producer.

CRP-1's not approved within 6 months of the date the producer signs CRP-2C shall be rejected.

Note: See paragraph 213.

When CRP-1 is approved, COC shall use CRP-24 to notify producer of approval and CRP-1 effective date. See Exhibit 5.

Note: See paragraph 401 for CRP-1 approval requirements.

216-236 (Reserved)

Part 8 FWP Provisions

237 General FWP Information

A Background

The Food, Conservation and Energy Act of 2008 authorized FWP through September 30, 2012, for the enrollment of the following:

- certain cropped wetlands and associated buffers
- land devoted to constructed wetlands and associated buffers
- land devoted to certain commercial pond-raised aquaculture
- land subject to the natural overflow of a prairie wetland (flooded prairie wetland) and associated buffers.

B Authorized Practices

Practices authorized for continuous signup enrollment in CRP under FWP are:

- CP27, FWP Cropped Wetland
- CP28, FWP Buffer
- CP39, FWP Constructed Wetland
- CP40, FWP Aquaculture Wetland Restoration
- CP41, FWP Flooded Prairie Wetland.

See Exhibit 11 for practice writeups for CP27, CP28, CP39, CP40, and CP41.

237 General FWP Information (Continued)

C Practice Eligibility Criteria Side by Side

The following provides a side-by-side of the eligibility criteria for each of the practices under FWP.

Practice	Name	Cropland	Cropping History	Wetland Size 1/	Buffer
CP27	FWP Cropped Wetlands	Yes	Yes 3 of 10 most recent crop years.	Not to exceed 40 acres per tract.	4:1 ratio
CP28	FWP Buffer	Yes	Yes 3 of 10 most recent crop years.		
CP39	FWP Constructed Wetland	No	No	Not to exceed 40 contiguous acres per tract.	4:1 ratio ***--**Enrolled as part of the CP39.**--***
CP40	FWP Aquaculture Wetland Restoration	No	Yes 1 year 2002 through 2007.	No limit.	No buffer required.
CP41	FWP Flooded Prairie Wetland	Yes	Yes 3 years out of 10 years from January 1, 1990, through December 31, 2002.	Not to exceed 40 acres per tract. No wetland greater than 20 acres.	4:1 ratio

1/ Buffer acreage plus wetland acreage may exceed 40 acres per tract; however, wetland component may **not** exceed limits of “Wetland Size” column.

238 Acreage Limitations

A Acreage Limitations

The statute limits participation in CRP under FWP to:

- 1,000,000 acres in all States
- not more than 100,000 acres in any 1 State.

States may request on a case by case basis to increase to 200,000 acres.

Offers will be accepted on a continuous signup basis until the earlier of the following:

- FWP national acreage limitation of 1,000,000 is reached
- State acreage allocation is reached
- CRP statutory authority is reached.

B State Acreage Allocations

The following are State acreage allocations.

State	Allocation	State	Allocation
Alabama	25,000	Nebraska	25,000
Alaska	0	Nevada	0
Arizona	0	New Hampshire	500
Arkansas	60,000	New Jersey	4,500
California	3,000	New Mexico	0
Colorado	1,000	New York	1,000
Connecticut	500	North Carolina	5,000
Delaware	500	North Dakota	90,000
Florida	2,000	Ohio	4,000
Georgia	5,00	Oklahoma	500
Hawaii	0	Oregon	2,000
Idaho	500	Pennsylvania	500
Illinois	5,000	Puerto Rico	500
Indiana	5,000	Rhode Island	0
Iowa	100,000	South Carolina	1,500
Kansas	2,000	South Dakota	100,000
Kentucky	500	Tennessee	500
Louisiana	100,000	Texas	6,000
Maine	1,500	Utah	500
Maryland	1,000	Vermont	500
Massachusetts	1,000	Virginia	10,000
Michigan	5,000	Washington	10,000
Minnesota	80,000	West Virginia	500
Mississippi	90,000	Wisconsin	1,000
Missouri	1,000	Wyoming	500
Montana	500		

238 FWP Acreage Limitations (Continued)

C 25 Percent Cropland Limitation

The 25 percent cropland limitation applies to FWP. When all acreage enrolled in CRP exceeds the 25 percent limitation and a waiver has **not** been approved, County Offices shall:

- announce the FWP signup
- notify all producers that only offers for continuous signup marginal pastureland practices, CP22, CP29, and CP30, and land physically located in a county that has not reached or exceeded the 25 percent limitation will be processed
- ensure that offers for acreage physically located in the county are not processed, except continuous signup practices.

Note: COC shall immediately reject all offers for acreage physically located in the county, except continuous signup marginal pastureland practices CP22, CP29, and CP30, and inform the producer using CRP-26.

239 Producer Eligibility

A Ownership Eligibility

An owner is eligible to offer land for enrollment in FWP if the owner meets 1 of the following requirements:

- owned the land for 12 months before CRP-2C is submitted
- acquired the land by will or succession as a result of death
- acquired the land under circumstances other than for placement in CRP under FWP, as determined by the FSA National Office.

Note: Ownership eligibility requirements are satisfied if there is any combination of continuously leasing and owning the same person or entity during the 12-month period before CRP-2C is filed.

B Operator Eligibility

An operator is eligible to offer land for enrollment in FWP when the operator meets both of the following requirements:

- operated the land for 12 months before CRP-2C is filed
- provides satisfactory evidence, as determined by COC, that control of the land will continue uninterrupted for the CRP-1 period.

Note: Satisfactory evidence may include any of the following:

- statement signed by the owner
- written lease for the appropriate time period
- owner's signature on CRP-1.

Operator eligibility requirements shall be satisfied if there is any combination of leasing and owning by the same person or entity during the 12-month period before CRP-2C is filed.

240 FWP Eligible Land Criteria for CP27 and CP28

A Cropland Eligibility Criteria

Eligible cropland for wetlands (CP27) and associated buffer (CP28) includes cropland that is both of the following:

- planted, COC-approved prevented planted, or considered planted to an agricultural commodity during any 3 of the previous 10 crop years

  Notes: Acreage for which a producer received a crop insurance indemnity payment for prevented planting shall be considered planted for that year for CRP cropping history purposes.

  Field margins that are incidental to the planting of crops, such as turnrows, field borders, and center pivot corners, are eligible to be offered. Field margins do **not** include other areas within a field.

  The following are conserving use and are considered planted for cropping history purposes for CRP, including CREP:

  - during 2002 through 2007, any planted alfalfa, planted other multi-year grasses and legumes, and any summerfallow

  - any rotation of planted alfalfa, planted other multi-year grasses and legumes, and any summerfallow in rotation

    Note: Rotation **must not** exceed 12 consecutive years.

  - any land previously enrolled in CRP where grass cover continues to be maintained as though enrolled in CRP.

- physically and legally capable of being planted in a normal manner to an agricultural commodity in a normal manner during a normal cropping season.

--Note:** COC's or CED's determination **must** be based on whether the cropland could**-- be planted to an agricultural commodity in a normal manner during a normal cropping season.

Acreage permanently under water is ineligible to be offered for enrollment in FWP unless land is eligible for enrollment under CP40 or CP41.

241 Acreage Limitations and Practice Eligibility for CP27 and CP28

A Eligibility Criteria for CP27

Cropland designated as cropped wetlands, or prior converted wetlands, as determined by NRCS or TSP, not to exceed 40 acres per tract, may be enrolled in the CRP under FWP as CP27.

Note: Cropped wetlands are farmed wetlands and wetlands farmed under natural conditions.

B CP27 Acreage Limitations

The maximum size of any 1 wetland (CP27) is 40 acres per tract. Wetlands greater than 40 acres in size are **not** eligible for enrollment in CRP under FWP, CP27.

Examples: A producer has a 41.5 acre wetland. The producer wants to offer 40 acres of the wetland for enrollment in FWP. Because the total wetland is greater than 40 acres in size, it is **not** eligible for enrollment in FWP as a CP27.

A producer offers a 15-acre wetland, a 12-acre wetland, and a 13.0-acre wetland for enrollment in FWP. Because the total acres do not exceed 40 acres, all wetlands (40 acres) may be enrolled if all other eligibility requirements are met. Associated buffers (CP28) **must** be enrolled for the wetland acreage. The total of the wetland and buffer acreage may exceed 40 acres per tract.

C CP28 Acreage Limitations

The minimum size of any associated buffer (CP28) enrolled in CRP under FWP is 30 feet surrounding the wetland.

The maximum size of any associated buffer (CP28) enrolled in CRP under FWP is 4 times the size of the wetland. STC's may determine a buffer ratio less than 4:1, consistent with program purposes and with State Technical Committee concurrence.

Note: The total acreage of each associated buffer must **not** exceed the size limitation.

241 Acreage Limitations and Practice Eligibility for CP27 and CP28 (Continued)

C CP28 Acreage Limitations (Continued)

CP28 must be enrolled in conjunction with each of the following practices:

- CP27
  *** * ***
- CP41.

--Note:** A CP28 is **not** required for practice CP39 or CP40.**--

Examples: A producer offers a 2 acre FWP cropped wetland (CP27) for enrollment in FWP. NRCS or TSP determines that the associated buffer (CP28) necessary to protect the wetland is 8 acres. CP28 does not exceed 4 times the size of the wetland (8 acres); therefore, both CP27 and CP28 are eligible for enrollment in FWP, provided all other eligibility requirements are met.

A producer offers a 2 acre wetland (CP27) for enrollment in CRP under FWP. NRCS or TSP determines that the associated buffer (CP28) necessary to protect the wetland is 12 acres. Because the buffer exceeds 4 times the size of the wetland acreage, CP27 and CP28 are ineligible for CRP under FWP.

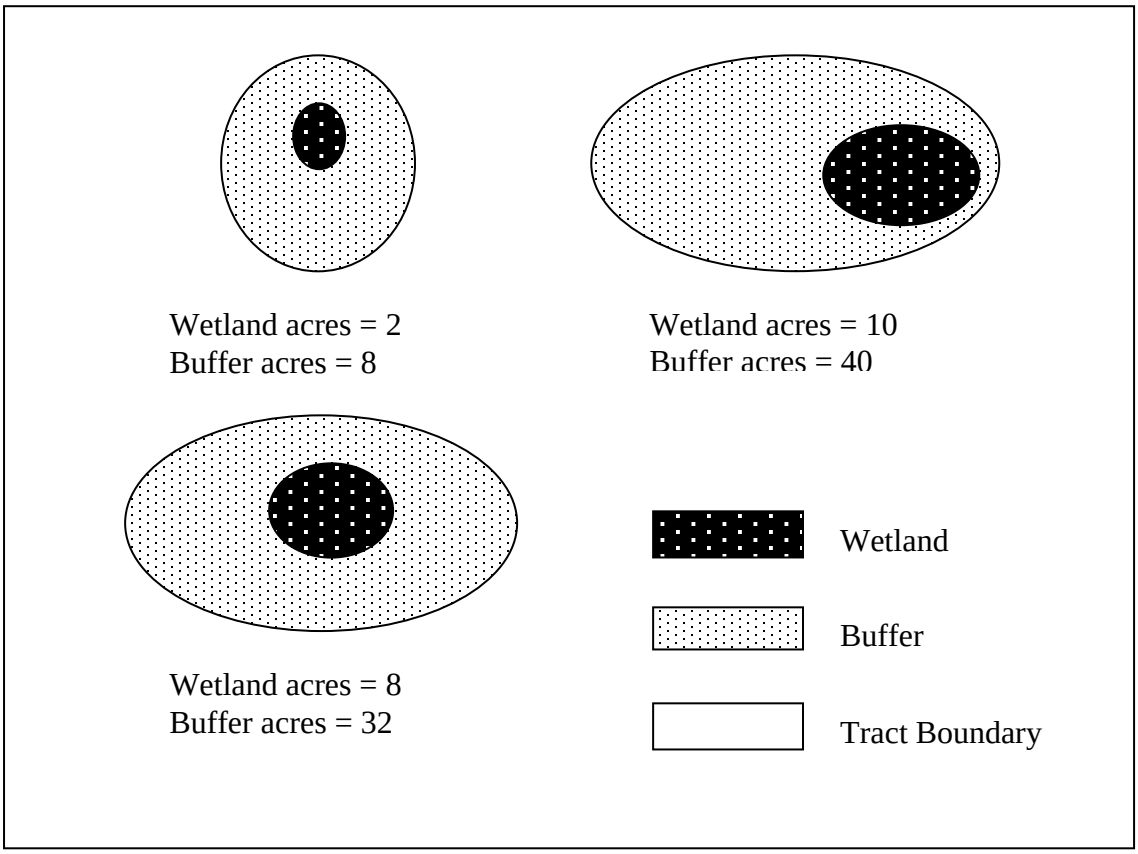
A producer offers a 10 acre wetland, a 12 acre wetland, a 15 acre wetland and an 8 acre wetland. All are offered as CP40. Because there is no limit on the wetland size of CP40, all wetlands are eligible to be offered for enrollment in FWP. A buffer may be installed around the wetlands, but is not required.

241 Acreage Limitations and Practice Eligibility for CP27 and CP28 (Continued)

D Tract Limitation

Enrollment in CRP under CP27 is limited to no more than 40 acres of wetland per tract. The combined total acreage of wetland (CP27), not to exceed 40 acres, and associated buffer (CP28) may exceed 40 acres per tract.

Example: Tract 2101 = 160 acres
Total CP27 = 20 acres
Total CP28 = 80 acres
Total of Enrolled Practices = 100 acres



242 FWP Eligible Land Criteria for CP39

A Land Eligibility Criteria

Land eligible to be enrolled as CP39 is land that receives flow from a row crop agriculture drainage system designed to provide nitrogen removal and other wetland functions.

--Note:** There is no cropping history requirement for cropland or marginal pastureland**-- enrolled as a constructed wetland (CP39).

243 Acreage Limitation and Practice Eligibility for CP39

A Eligibility Criteria for CP39

Land that meets eligibility criteria of subparagraph 242 A, not to exceed 40 acres per tract, may be enrolled in FWP as CP39.

B CP39 Acreage Limitations

The maximum size of any 1 constructed wetland CP39 is 40 acres. Constructed wetlands greater than 40 acres in size are **not** eligible for enrollment in CRP under FWP as CP39.

The total of all constructed wetlands per tract may not exceed 40 acres.

--**An associated buffer is required in conjunction with practice CP39. The associated buffer should be included as part of the CP39 enrolled acres. The maximum size of the associated buffer is 4 times the size of the wetland acreage. STC's may determine a buffer ratio less than 4:1, consistent with program purposes and with State Technical Committee concurrence.**--

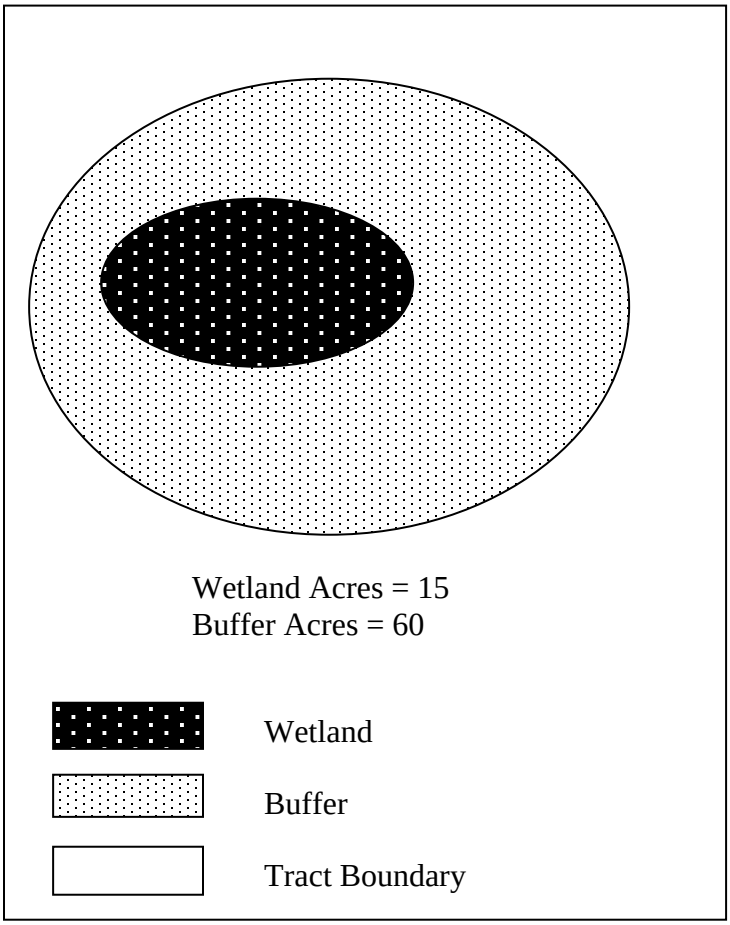
243 Acreage Limitation and Practice Eligibility for CP39 (Continued)

C Tract Limitations

Enrollment in CRP under CP39 is limited to no more than 40 acres of wetland per tract. The
*--combined total acreage of wetland and associated buffer, may not exceed 40 acres per tract
unless a waiver is approved according to subparagraph D.

Example: Tract 2101 = 160 acres
Total CP39 = 15 acres
Associated buffer = 60
Total of Enrolled Practices = 75 acres

Note: This land would not be eligible for enrollment as CP39 unless a waiver is approved by DAFP.



D Waiver

If wetland acreage offered for enrollment is less than 40 acres and the combined wetland and buffer exceed 40 acres, STC may submit a request to DAFP to waive the 40 acre tract limitation.--*

244 FWP Eligible Land Criteria for CP40

A Land Eligibility Criteria

Eligible land to be enrolled in FWP as CP40 is land that was devoted to commercial pond-raised aquaculture in any 1 year during 2002 through 2007.

B Commercial Pond-Raised Aquaculture

Commercial pond-raised aquaculture means any earthen facility from which $1000 or more of freshwater food fish were sold or normally would have been sold during a calendar year.

Foodfish are considered fish grown under controlled conditions (aquaculture) for human consumption. Fingerling ponds and brood ponds are considered foodfish and are eligible for enrollment under practice CP40 because these ponds are used in the overall commercial operation.

Note: Other aquaculture products that are not cultivated for human consumption (nonfoodfish), which includes ornamental fish, bait fish, sport fish, and plants are **not** eligible for enrollment under practice CP40.

Producers must provide verification of commercial pond raised aquaculture using any of the following:

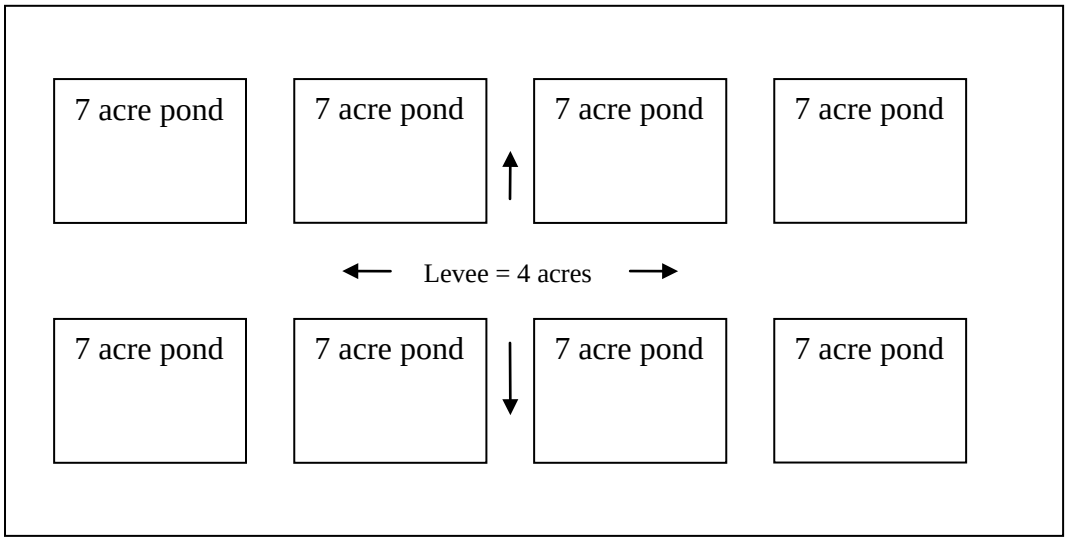
- feed purchase records
- stocker purchase records
- harvest/sales records
- imagery
- slides.

245 Acreage Limitation for CP40

A CP40 Acreage Limitations

Land devoted to commercial pond-raised aquaculture to be enrolled in FWP as practice CP40 is **not** limited by size of the wetland or by tract.

Example: Tract = 60 acres
CP40 = 60 acres (pond area and levee)



Note: The levee area is included as part of the CP40 and will be planted to appropriate vegetation for the site. A buffer (CP28) is not required.

246 FWP Eligible Land Criteria for CP41

A Crop Land Eligibility Criteria

Eligible cropland for enrollment as practice CP41 is cropland located in the Prairie Pothole CPA, according to Exhibit 18, that was:

- subject to the natural overflow of a prairie wetland
- COC-approved prevented planted
- planted or considered planted to an agricultural commodity during at least 3 of the 10 crop years after January 1, 1990, and before December 31, 2002.

Notes: Acreage for which a producer received a crop insurance indemnity payment for prevented planting shall be considered planted for that year for CRP cropping history purposes.

Field margins that are incidental to the planting of crops, such as turnrows, field borders, and center pivot corners, are eligible to be offered. Field margins do not include other areas within a field.

Acreage that received planted and considered planted credit for crop acreage base protection is considered planted for purposes of CRP cropland eligibility.

Examples: A producer planted corn in 1991, soybeans in 1997, and corn in 2002. All other years the land was intermittently flooded. The land does **not** meet the cropping requirements because the planting was not within a 10-year period (1991 through 2002).

A producer planted soybeans in 1993, corn in 1997, and wheat in 2002. This land meets cropping history because the planting is within the 10-year period (1993 through 2002).

B 10 Year Cropping History Time Periods for CP41

The following are the 10 year cropping history time periods for CP41.

1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002

247 Acreage Limitation and Practice Eligibility for CP41

A Eligibility Criteria for CP41

Cropland that meets the eligibility criteria of subparagraph 246 A, not to exceed 20 contiguous acres per flooded prairie wetland, may be enrolled in the CRP under FWP as CP41.

B CP41 Acreage Limitation

The maximum size of any 1 flooded prairie wetland (CP41) is 20 contiguous acres. Flooded prairie wetlands greater than 20 acres in size are **not** eligible for enrollment in CRP under FWP as CP41.

The total of all flooded prairie wetlands on an offer may exceed 20 acres. The total of all flooded prairie wetlands per tract may not exceed 40 acres.

Examples: A producer has a 22.5 acre flooded prairie wetland. The producer wants to offer 20 acres of the flooded prairie for enrollment in FWP. Because the total wetland is greater than 20 acres in size, it is **not** eligible for enrollment in FWP.

A producer offers a 12.5 acre flooded prairie wetland, a 8 acre flooded prairie wetland, and a 18.5 acre flooded prairie wetland for enrollment in FWP. Because no wetland is greater than 20 acres, all flooded prairie wetlands (39 acres) may be enrolled if all other eligibility requirements are met. Associated buffers must be enrolled for the flooded prairie wetland acreage.

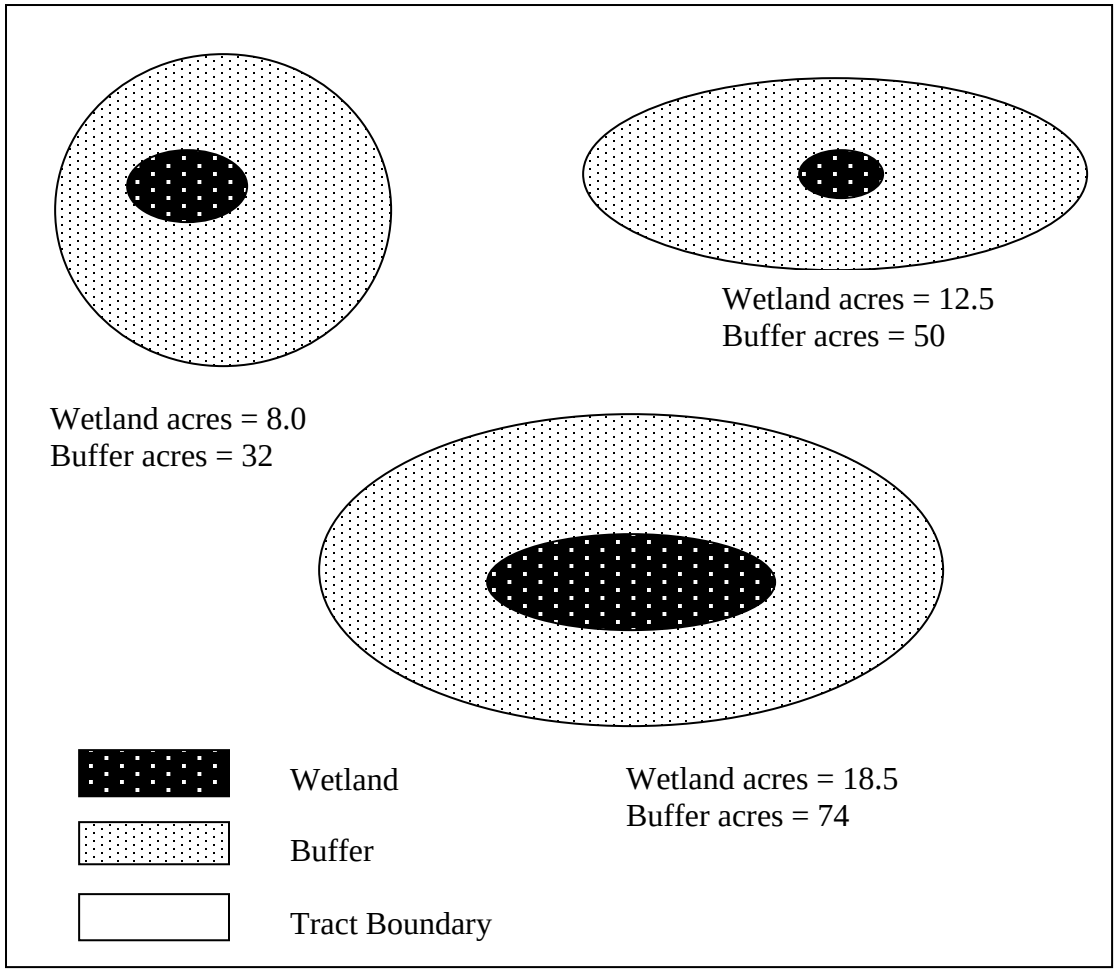
Neither CP41 nor CP28 may be enrolled as a separate practice. See subparagraph 241 C for CP28 acreage limitation.

247 Acreage Limitation and Practice Eligibility forCP41 (Continued)

C Tract Limitation for CP41

Enrollment in CRP under CP41 is limited to no more than 40 acres per tract. The maximum size of any one CP41 is 20 acres. The combined total acreage of CP41's is limited to 40 acres per tract. The total of CP41 and associated buffer (CP28) may exceed 40 acres per tract.

Example: Tract 2101 = 240 Acres
Total CP41 = 39 Acres
Total CP28 = 156 Acres
Total of Enrolled Practices = 195 Acres



248 Processing Offers

A CRP-1's and CRP-2C's

County Offices shall follow Part 7, for processing CRP-1's and CRP-2C's for enrollment in CRP under FWP.

--**For FWP, see subparagraph 212 B for completing CRP-2C.**--

B Contract Duration and Effective Date

The CRP-1 period for CRP-1's under FWP is 10 to 15 years.

--**The effective date of CRP-1 is the first of the month following the month COC or CED**-- approves CRP-1.

C Program Year

The program year is FY in which the first payment is earned.

D Continuous Signup Number

For acreage enrolled in CRP under FWP, County Offices shall use the current continuous signup number.

Note: Continuous signup numbers change the beginning of every FY.

249 Payments

A Annual Rental Payment

Producers receive annual rental payments on the land that is enrolled under FWP. The annual rental payment is the sum of the following:

- calculated SRR
- 20 percent of the calculated SRR
- applicable maintenance incentive rate, according to subparagraph 196 C.

Note: The revised maintenance incentive applies to all new offers except for CREP. CREP related maintenance incentives are governed by approved CREP agreements.

B Cost-Share Payments

CCC will pay up to 50 percent of the eligible cost of establishing a permanent cover. See Part 15.

C Incentive Payments

The following incentives are authorized for CP27, CP28, CP39, CP40, and CP41:

- PIP

- SIP

--Note:** Expiring CRP that is being re-offered as FWP is **not** eligible for SIP. Cropland previously enrolled in CRP that is re-enrolled for FWP, is **not** eligible for SIP if the cover has been maintained.**--

- 20 percent of the weighted average SRR.

250-260 (Reserved)

Part 9 EFCRP Provisions

261 General EFCRP Information

A Background

EFCRP was authorized to enroll land in CRP that is PNIF and that experienced a loss of 35 percent or more of merchantable timber in the States suffering forestry damage directly related to the 2005 hurricanes.

The 2005 hurricanes are Hurricanes Dennis, Katrina, Ophelia, Rita, and Wilma.

Offers for EFCRP will be accepted on a rolling signup basis which will be periodically reviewed for acceptability.

During signup, offers will be evaluated on the basis of:

- soil erosion prevention
- water quality improvement
- wildlife habitat restoration
- mitigation of economic loss.

Offers will be ranked at the National Office using a national ranking process. Offers selected will be those that provide the greatest benefits as related to these 4 factors.

B Goals

EFCRP is a conservation program to restore and enhance the forest resources that were severely impacted by the 2005 hurricanes.

C Consistency with CRP Procedure

Unless otherwise noted, all other provisions of CRP apply to EFCRP.

References to CRP-1 shall mean CRP-1L for EFCRP purposes.

262 Land and Producer Eligibility

A States and Counties Authorized for EFCRP

EFCRP is eligible in primary Presidential- or Secretarial-designated counties associated with the 2005 hurricanes which includes Alabama, Florida, Louisiana, Mississippi, North Carolina, and Texas.

B Eligibility for Owners and Operators

Persons determined eligible for CRP according to Part 6 may request to enroll certain acreage in EFCRP according to this section.

C Eligibility Requirement

Eligible land is land on a tract or a portion of a tract that:

- is located in a primary Presidential- or Secretarial-designated county

  Note: For tracts that overlap eligible and ineligible counties, at least 51 percent of the eligible land in a tract **must** be located in an eligible county.

- is PNIF

- before the hurricane, was merchantable timber with an average tree diameter of at least 6 inches at 4 ½ feet above ground level

- suffered a minimum of 35 percent loss of merchantable timber because of 1 or more 2005 hurricanes

  Note: See subparagraph E for determining loss.

- was owned by a State school trust with PNIF.

Notes: Corporations whose stocks are publicly traded or owners or lessees principally engaged in the primary processing of raw wood products are excluded.

No minimum acreage size is authorized for EFCRP.

263 Contract Duration and Program Year

A Contract Duration and Effective Date

The CRP-1L period for EFCRP is 10 years.

***--**The effective date of CRP-1L is the first day of the month following the month COC or CED approves CRP-1L. EFCRP contracts will expire at the end of the month throughout the year, depending upon the month of the effective date.

Example: A producer signs CRP-1L on August 17, 2007. COC or CED approves**--***
CRP-1L on September 27, 2007. The effective date of the EFCRP contract is October 1, 2007. The contract period is October 1, 2007, through September 30, 2017.

Note: The producer may **not** defer the effective date of CRP-1L.

B Program Year

The program year is FY in which the first payment is earned.

C Continuous Signup Number

EFCRP shall use signup number 34.

264 Payments and Payment Limitation

A EFCRP Payment Options

Participants may elect to receive either an annual rental payment or a lump sum payment.

B Annual Rental Payment

Participants may receive annual rental payments on the land enrolled in EFCRP. The EFCRP rental payment rate is the average rental rate for CRP contracts in the county. The annual rental payment is the EFCRP rental rate multiplied times the number of acres of the EFCRP contract.

Note: Where no CRP contracts were enrolled in a county, the EFCRP rental rate is the CRP rental rate applicable to a nearby similarly-situated county.

Example: A producer enrolls 10 acres in EFCRP in Lafayette Parish, Louisiana. Lafayette Parish average rental rate for current CRP contracts is $30 per acre.

10 acres X $30 per acre = $3,000. The annual rental payment is $3,000.

The annual rental rate incorporates any annual maintenance payment. There shall be **no** additional maintenance rates added to the annual rental rate.

Note: See subparagraph 462 B for issuing annual payments for EFCRP contracts for CRP-1L's.

Exception: Annual payments are scheduled to be issued starting 1 year after the anniversary of the effective date of the contract.

C Lump-Sum Payment

Participants may select to receive a lump-sum payment for the EFCRP contract. The lump-sum payment is a one-time payment for the 10-year EFCRP contract period. The ***--**payment will be issued within 30 calendar days from the date COC or CED approves**--*** CRP-1L.

A lump sum payment means the present value of the 10 annual payments based on a 5 percent discount rate.

Note: The applicable discount rate shall be the discount rate at the time the contract is signed. FSA will provide a new discount rate on or about October 1 each year. The discount rate should remain in effect throughout the FY.

264 Payments and Payment Limitation (Continued)

C Lump Sum Payment (Continued)

Example 1: A producer enrolls 10 acres into EFCRP in Lafayette Parish, Louisiana (average SRR on existing CRP contracts is $30) and chooses the lump sum payment. The producer will receive the present value of 10 annual payments of $300. The producer would receive a one-time lump sum payment of $2,317 for the 10 acres.

Under a lump sum payment, a producer may receive a one-time payment that exceeds the CRP annual payment limitation of $50,000. However, no producer shall receive an amount larger than PV of $50,000 per year for 10 years.

Example 2: A producer, who has no other CRP contracts, enrolls 1,000 acres in Perry County (average CRP rental rate = $30). The producer elects to receive a lump sum payment ($231.65 per acre). The producer will receive a lump sum payment of $231,650. The annual rental payment for payment limitation purposes is $30 per acre X 1,000 acres = $30,000 per year.

D Payment Limitation for Lump Sum Payment

For payment limitation purposes, lump sump recipients will be treated as the equivalent of 10 annual payments.

Example: A producer receives a lump sum payment of $233,650. The payment is based on the present value of 10 annual payments of $30,000.

E C/S Payments

CCC will pay up to 50 percent of the eligible cost of establishing a permanent cover.

264 Payments and Payment Limitation (Continued)

F Other Federal C/S

EFCRP participants receiving other Federal C/S payments are **not** eligible to receive or retain EFCRP C/S on the same acreage**.**

Exception: If the payments received are not considered C/S, or the other program's activity is fully completed before the effective date of the EFCRP contract, then the EFCRP participant may receive EFCRP C/S. Fully completed means that all activity is finished and a payment made with no further obligations.

Example: A producer offers to enroll 1,000 acres. The contract is approved and she receives $24,000 in C/S payments. The producer applies for C/S assistance from another Federal program. If the producer receives other Federal C/S assistance, then the producer is no longer eligible to retain or receive CRP C/S payments.

G Incentive Payments

SIP, PIP, and SRR incentives are **not** authorized for EFCRP.

Important: Incentive payments are **not** authorized for EFCRP.

Note: EFCRP rental rates provide funding to carryout maintenance activities.

H Payment Limitation

Payment limitation provisions apply to participants enrolled in EFCRP. In the case of more than 1 producer, payments limitations for lump sum payments will be based on what the equivalent annual payment would be for the contract time of that producer’s share.

265 Contract Activities

A Mid-Contract Management

EFCRP contracts are required to have appropriate mid-contract management measures implemented during the contract as designated in the conservation plan as determined by STC in consultation with the State Technical Committee.

See paragraph 428 for mid-contract management activities.

B Thinning Activities

Thinning activities may be conducted during the contract provided that the activities are incorporated in the approved conservation plan. Thinning activities **must** be carried out in a manner consistent with the terms and conditions of the conservation plan.

C/S for tree trimming is authorized.

266-285 (Reserved)

Part 10 General Signup and Offer Process

286 Overview

A General Information About Signup and Offer Process

Signup periods will be announced by DAFP. The National Office shall provide State and County Offices:

- program information sheets for producers
- updated program provisions and procedures
- other information as requested.

During signup, producers will submit offers for the amounts they are willing to accept to enroll acreage in the program. County Offices will calculate the maximum acceptable rental rate for the acreage being submitted. This amount is referred to as the maximum payment rate and is described in detail in paragraph 101.

Offers will be ranked at the National Office using a national ranking process. Offers selected will be those that provide the greatest environmental benefits considering the cost of enrolling the acreage in the program.

B CRP Activities Flow Chart

The following is a flow chart that describes activities related to CRP signup.

Step	Activities Occurring During and After Signup and Before Offers Are Ranked
County Offices Action	
1	Provide EBI, General Signup Fact Sheets, and CRP-1 Appendix.
2	Identify acreage to be offered on map.
3	Determine producer eligibility.
4	Determine land eligibility.
5	Determine 3 predominant soil types on the acreage offered using TERRA.
6	Enter offer data in COLS.
7	Producer signs and dates COLS-generated CRP-1 and CRP-2.
8	County Office submits offer through COLS.
State Office Action	
9	Review offer detail and summary reports on CEPD's State Office Information Center Intranet at **http://dc.ffasintranet.usda.gov/DAFP/CAPDSTO.htm**.
10	Review the "State Office CRP Oversight Map" information available on CEPD's State Office Information Center Intranet.
11	Contact County Offices, if necessary, to facilitate changes in offer records when errors are detected.

286 Overview (Continued)

B CRP Activities Flow Chart (Continued)

Step	Activities Occurring During and After Signup and Before Offers Are Ranked
Activities Occurring After Records Are Reviewed	
12	Return questionable records to County Office for review and possible correction.
13	Access and review validation reports, if applicable, from CEPD's State Office Information Center Intranet and correct offers, if necessary.
14	Counties will identify erroneous or omitted offers and correct in COLS, if necessary.
Action After Selection Process	
15	Final results of acceptable and rejected offers will be published and distributed in a CRP notice and CEPD's web site.
16	County Offices shall conduct final eligibility review.
17	Producers will be notified of acceptable or rejected offers by County Office.
18	County Office shall complete a *** * *** measurement service for acceptable offers. ***--**See paragraph 401 for exceptions and using TERRA.**--***
19	Conservation plan of operations will be developed by NRCS or TSP, if applicable.
20	Conservation plan of operations will be approved by the Conservation District.
21	Final approval of conservation plan of operation by COC or CED.
22	CRP-1 is approved by COC or CED.

287-292 (Reserved)

293 National Ranking and Selection Process

A About the National Ranking Plan

The national ranking process was developed by FSA, in consultation with NRCS, ERS, EPA, FS, FWS, and other agencies. The process is designed to prioritize CRP offers based on environmental criteria and cost. The process uses an EBI that includes 6 national ranking factors: 5 factors that quantify the relative environmental benefits of each offer, and 1 cost factor that quantifies cost on a per acre basis.

The National Office shall determine the rank of each offer within States where the national ranking process will be used by adding the sum of the scores received for all environmental factors and applying a cost factor. Offers will be ranked from highest to lowest total score.

Note: The EBI scores assigned to each factor are applied generally to all eligible offers; therefore, the EBI point system is not appealable. The information used to determine the individual EBI score for a specific offer may be appealed.

The National Office shall use scores for the national environmental ranking factors to determine the actual ranking of the offers received.

The 5 national environmental ranking factors will be collected for all offers.

293 National Ranking and Selection Process (Continued)

B National Ranking Factors

The following are the 6 national ranking factors.

Factor	Description	Point Ranges
N1	Wildlife Habitat Cover Benefits	*--10 through 100--*
N2	Water Quality Benefits From Reduced Erosion, Runoff, and Leaching	0 through 100
N3	On-Farm Benefits of Reduced Erosion	0 through 100
N4	Enduring Benefits	0 through 50
N5	Air Quality Benefits	*--3 through 45--*
N6	Cost/Acre	to be determined

Scoring criteria for each national ranking factor are listed in Exhibit 26.

FSA will determine environmental scores for factors N1 through N5 for each offer during and shortly after signup.

Note: Offers under continuous signup are not evaluated. See paragraph 181.

The National Office shall determine the cost factor using the CRP per acre offer. If 2 offers have the same environmental ranking score, the 1 with the lower per acre rental rate shall receive a higher ranking.

For general signup, when the applicable cropland limit for the county is reached, the residency of the owner or operator that submitted the offer will be used to determine the acceptability of the offer when more than 1 offer has an equivalent EBI score, plus cost.

Example: The EBI (environmental benefits plus cost) cutoff level in Bucks County, Pennsylvania is 250 points. Bucks County is 20 acres from the 25 percent cropland limit.

Offer A (250 EBI points and 20 acres in size) is from an out of State landowner with an operator from Montgomery County, Pennsylvania.

Offer B (250 EBI point and 20 acres in size) is from a local Bucks County farmer.

Offer B will be selected for enrollment in the program.

293 National Ranking and Selection Process (Continued)

C Processing Offers

Only general signup offers will be accepted. Continuous offers will be accepted under the continuous signup process. See Part 7.

Under the national ranking process, general signup offers shall compete based on the scores for each national factor, including cost.

Note: Offers under continuous signup are not evaluated. See paragraph 181.

D Selecting Offers

After all offers have been ranked, the National Office shall provide by notice the ranking list to each applicable State and County Office indicating the offers that have been determined acceptable. County Offices shall notify each producer according to paragraph 341 after conducting the final eligibility review.

294-310 (Reserved)

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Section 2 Presignup Activities

311 State Office Activities

A State Office Action

State Offices shall perform the following activities before signup:

- provide information to STC regarding national selection criteria
- ensure that all County Offices have:
  - necessary forms and information needed to conduct a signup
  - evaluated the total cropland figures for the county and have followed procedure in Part 4 accordingly
- ensure that:
  - County Office personnel are trained on program policy and procedure, when determined needed by STC
  - County Offices monitor their total county cropland status and follow Part 4.

312 County Office Activities

A County Office Action

County Offices shall:

- ensure that:
  - all necessary forms for conducting a signup are in the County Office
  - soil/payment rate tables are made available to the public
- conduct public information meetings if the National Office provides sufficient information to hold a meeting before signup
- review total cropland provision in Part 4 to determine whether a signup will be held for all practices or only for MPL practices eligible under continuous signup.

  Note: See Part 4.

313-330 (Reserved)

Section 3 Conducting a CRP Signup in the County Office

331 Announcing County CRP

A County Offices Announcing CRP

County Offices shall use news media to inform all owners and operators, on a county-wide basis, of the following:

- CRP eligibility requirements
- locations and dates of informational meetings
- dates for submitting offers

  Note: See Exhibit 20.

- CRP provisions, including general terms and conditions
- information needed to submit offers, such as eligible cropping history, fields to be identified, and number of acres to be offered.

Mail CRP announcement to all owners and operators in the county.

Note: County Offices shall include CRP continuous signup information in the county newsletter. Special mailings are optional but not required.

B Statement of Participation

All eligible owners and operators, regardless of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status, shall have an opportunity to submit requests to place land in CRP.

332 Submitting Offers

A County Office Responsibilities

County Offices may adjust the order of events in the table to provide for a workable signup period. **Before the producer submits** an offer to participate in CRP, County Offices shall do the following.

Step	Action
1	Provide general information about program provisions, such as a Fact Sheet.
2	Explain program details, such as: • the EBI process • required cropping history • maximum payment rate calculations • national ranking and selection process • COC determinations • available practices and C/S rates.
3	Verify producer and cropping history eligibility for the offered acres according to Part 6. **Notes:** Determine whether these requirements are met **before** submission of data. FSA shall determine land eligibility.
4	Delineate acres to be offered.
5	*** * *** Measurement services to determine acres to be offered. Paid-for measurement service shall be completed for acreage offered before CRP-1 is approved. See paragraph 401. ***--Note:** See 2-CP, paragraph 460 for additional guidance.**--***
6	Process offers through COLS. See paragraph 333 for completing CRP-2, including calculating maximum payment rates for each eligible area the producer wants to offer.
7	Advise producers of the limitation on withdrawing and modifying offers according to paragraph 337.
8	Provide producers CRP-1 Appendix (Exhibit 29) before submitting offers.
9	Have producer sign completed CRP-1 and CRP-2. **Note:** Only 1 signature is required to submit an eligible offer. All signatures are required before COC or CED approves CRP-1.
10	File all applicable documents, including CRP-2, in the producer's folder.

332 Submitting Offers (Continued)

B Processing Offers

Offers **must** be submitted to the County Office where the land is administratively located. The following provides instructions on whether to process an offer.

IF land is...	THEN process the offer...
physically located in a county that has reached or exceeded the 25 percent cropland limitation or other applicable limit as provided in Part 4, or lower percent limitation set by COC for continuous and WRP signups and the county does not have an approved waiver before the signup period begins	only if it is for practices eligible under continuous signup marginal pastureland criteria (CP22, CP29, or CP30).
physically located in a county that has **not** reached the 25 percent cropland limitation or other applicable limit as provided in Part 4	in the administering county for any eligible practice.

C Cropland Eligibility Determinations

County Offices shall assist producers with cropland eligibility determinations on CRP-2. To determine cropland eligibility for CRP-1, use CRP-2.

Note: County Offices shall use FSA-578 on file for applicable years to verify cropping history entered on CRP-2, items 24 through 27. **Aerial photography will not be used to determine cropping history when FSA-578 is on file**.

If there is no FSA-578 on file for any year of the applicable 6 years:

- require the producer to provide 2 or more of the following:
  - a signed statement from the person who harvested or planted the crop
  - a neighboring producer's certification of crops and acreage, on the back of each year's aerial photography
  - a signed statement from a reliable person with knowledge of which crops were planted on the farm

--Note:** COC or CED may require the producer to provide other documentation to**-- determine cropping history, such as:

- seed, fertilizer, and chemical receipts
- load summary documents or elevator receipts.

332 Submitting Offers (Continued)

C Cropland Eligibility Determinations (Continued)

•*--COC or CED shall review and verify all of the documentation submitted to determine--* whether the cropping history is acceptable by:

- aerial photography, if applicable
- farm visit
- personal knowledge.

A late-filed FSA-578 may be accepted according to 2-CP when there is no FSA-578 on file for the applicable year being used to determine cropping history for eligibility. The late-filed fee shall be calculated according to 2-CP.

D Maximum Payment Rate Determination

County Offices shall assist producers by calculating the maximum payment rates, including multiple scenarios if requested, according to subparagraph 101 A.

E Separate Offers

Each producer, depending upon the eligibility determination and the practices selected, shall submit only 1 offer per tract number per program year per general signup.

Notes: The definition of a tract in 2-CM shall be used for offers being submitted by tract for CRP purposes.

Multi-tracts shall not be used for submitting CRP offers. Offers must be submitted on a tract basis.

If a producer submits multiple offers, some of which are not determined acceptable, the producer may withdraw any or all acceptable offers. Liquidated damages will apply according to paragraph 577.

Note: Acceptable offers on different tract numbers shall **not** be combined under 1 tract number.

Important: Separate CRP-1's **must** be completed for:

- each CRP-2 completed
- practices with different lifespans.

Example: Producer offers 5 acres of CP1 with a 10-year lifespan and 20 acres of CP3A with a 15-year lifespan on the same tract. Only one CRP-2 is completed for the offer. Separate CRP-1's **must** be completed for each practice.

332 Submitting Offers (Continued)

F Final Date for Submitting Offers

The deadline for receiving offers in the County Office is COB on the DAFP-established final date for submitting offers.

G Material for Producers

Provide copies of FSA informational material issued by DAFP to each producer submitting an offer. Provide copies of procedures in this handbook, including the formula process, to producers, if requested.

333 Completing CRP-2

A About CRP-2

CRP-2 **must** be completed for all acreage on which producers want to submit offers. The document is used to:

- make eligibility determinations
- calculate maximum payment rates for producers before offers are submitted
- obtain ranking data and statistics on acreage offered for the program.

Note: Before completing CRP-2, the County Office shall ensure that the base limitation is ***--**not exceeded. See subparagraph 401 B and 1-DCP, paragraph 57.**--***

All item numbers, except item number 6, must be completed before producer signs CRP-2. **All changes to data entered on CRP-2 after the producer signs CRP-2 must be initialed and dated by both the employee making the change and the producer**.

Notes: See paragraph 212 for completing CRP-2C for continuous signup.

Separate CRP-1's **must** be completed for:

- each CRP-2
- practices with different lifespans. See paragraph 332.

CRP-2 is:

- a computer-generated form
- provided for display purposes only.

333 Completing CRP-2 (Continued)

B Example of CRP-2

The following is an example of CRP-2.

*--

This form is available electronically. (See Page 2 for Privacy Act and Public Burden Statements)

CRP-2 (02-07-11)

U.S. DEPARTMENT OF AGRICULTURE
Farm Service Agency

CONSERVATION RESERVE PROGRAM WORKSHEET
(For General Signup)

1. Tract Number	2100
2. Program Year	2012
3A. Sign Up Number	41
3B. Effective Date (MM-DD-YYYY)	10-01-2011
4A. Farm Number	574
4B. Name and Address Of Producer (Zip Code):	
Telephone Number (Include Area code):	
5A. State & County Code Admin. Location	17163
5B. State & County Code Physical Location	17157
6. Contract Number	
7. Acres for Enrollment	55.5
4C. County FSA Office Address (Zip Code):	St. Claire County FSA 2031 Mascoutah Avenue Belleville, IL 62220-3498
4D. County FSA Office Telephone No. (Include Area Code):	618-235-2500
8. Signup Type	GENERAL
9. Rental Rate Per Acre Offered	$ 50.32

10. PRACTICES:

A. Practices	B. Practice Status	C. Acres	D. Estimated Total C/S ($)	E. Length	F. N1A Point Value
CP3A	EX	45.0	0.00	10	10
CP4B	N	10.5	231.00	10	40

11. LAND ELIGIBILITY CATEGORY BY ACRES: (Enter the amount eligible for each criteria)

EI 8 or Greater	55.5
National CPA	0.0
State CPA	55.5
Expiring CRP	

12. National Ranking Factors:

N1	N2	N3	N4	N5
46	62	100	32	25

13. N1 Subfactors:

N1a	N1b	N1c
16	0	30

14. N2 Subfactors:

N2a	N2b	N2c
30	10	22

15. N5 Subfactors:

N5a	N5b	N5c	N5d
14	0	0	9

16. N6 Subfactors:

N6b
10

17. HUC Number:

18. Soil Map Data and Maximum Payment Rate Calculations:

	A. Physical Location	B. Soil Survey ID No.	C. Map Unit Symbol	D. Acres		E. Soil Rental Rate		F. Total Rent
(1) Primary	17157	1L157	122B	35.0	x	$ 55.00	=	$ 1,925.00
(2) Secondary	17157	1L157	216B	10.5	x	$ 36.00	=	$ 378.00
(3) Tertiary	17157	1L157	122C3	10.5	x	$ 49.00	=	$ 400.00
			TOTALS					$ 2,793.00

19. Weighted Average Soil Rental Rate (Col. 18F total divided by Col. 18D total): $ 50.32

20. Maximum Payment Rate (Per Acre): $ 50.32

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333 Completing CRP-2 (Continued)

B Example of CRP-2 (Continued)

*--

CRP-2 (02-07-11) Page 2 of 2

21. Current Field No.	22. Current Crop or Land Use	23. Crop Land Use Summary							
		A. Offered Acres	B. Crop History Eligible Acres	C. 2002	D. 2003	E. 2004	F. 2005	G. 2006	H. 2007
2	Corn	88.0	88.0	corn	corn	corn	corn	Wht	Wht
	24. TOTALS ►	88.0	88.0						

PRODUCER'S CERTIFICATION:

By signing below I certify to all of the following: (1) All of the Environmental Benefits Index (EBI) factors and subfactors N1 through N5 have been explained to me; (2) I have been informed that planting an approved mixture of covers that benefit wildlife, enhancing the existing cover to provide a mixture that benefits wildlife, if applicable, and/or thinning existing trees and creating and maintaining open areas of approved herbaceous cover may enhance the acceptability of the offer; (3) I have been informed that if my offer to thin existing trees is accepted, the thinning must be completed within three years of the effective date of the contract regardless of market conditions or size of the tree; (4) I have been informed of the estimated cost of establishing the cover offered; (5) I have been informed that offering a per acre rental payment less than the calculated annual maximum payment rate may enhance the acceptability of the offer; (6) I have been informed that I may be required to pay for a measurement service on the acreage offered before such acreage may be enrolled in the CRP; (7) I have been informed that if my offer is accepted, then contract management activities, as applicable, are required to be performed on all practices; (8) I have been informed that certain land enrolled in the EQIP pursuant to regulations at 7 CFR Part 1466 is ineligible for enrollment in the CRP; (9) To the best of my knowledge and belief the acreage of crops and land listed herein, if applicable, are true and correct; and (10) The signing of this form gives USDA representatives authorization to enter and inspect crops and land uses and for other purposes on the above identified land.

I understand that an inaccurate certification could result in a payment reduction or loss of program benefits.

25A. Signature (By)	25B. Title/Relationship of the Individual if Signing in a Representative Capacity	25C. DATE (*MM-DD-YYYY*)
/s/ *John Producer*		04-04-2011

NOTE: *The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a - as amended). The authority for requesting the information identified on this form is 7 CFR Part 1410, the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), and the Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246). The information will be used by CCC to consider and process the offer to enter into a Conservation Reserve Program contract, to assist in determining eligibility, and to determine the correct parties to the contract. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated). Providing the requested information is voluntary. However, failure to furnish the requested information will result in a determination of ineligibility to enter into a Conservation Reserve Program contract.*

This information collection is exempted from the Paperwork Reduction Act, as it is required for administration of the Food, Conservation, and Energy Act of 2008 (see Pub. L. 110-246, Title II, Subtitle J- Miscellaneous Conservation Provisions).

The provisions of appropriate criminal and civil fraud, privacy, and other statutes may be applicable to the information provided. ***RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE****.*

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--*

334 Providing CRP-1 and CRP-1 Appendix

A Instructions to Producers

Producers shall be advised that:

- CRP-1 (Exhibit 21) is a binding contract; offers are irrevocable after the end of signup

  Note: Producers withdrawing CRP-1 during the irrevocable period shall be subject to liquidated damages according to paragraph 577.

- changes are not allowed on the preprinted portion of CRP-1 and CRP-1 Appendix

- any changes to the data entered on CRP-1 **must** be initialed and dated by both the employee making the change and the producer

- CRP-1 **must** be signed and dated by all required signatories. See paragraphs 335 and 340.

B What to Give Producers Submitting Offers

When the producer is ready to submit an offer, County Offices shall provide the following to the producer:

- copy of CRP-2
- CRP-1 (Exhibit 21)
- copy of CRP-1 Appendix (Exhibit 29).

335 Signature Requirements

A Required Signatures

All owners, operators, and tenants who have an interest in the acreage being offered **must** sign CRP-1, including owners with zero share in CRP annual rental payments. Each person who signs CRP-1 for a share greater than zero:

- has entered into a 10- through 15-year binding agreement with CCC

  Exception: See landlord and tenant provisions in paragraph 130.

- is jointly and severally liable for complying with terms and conditions of CRP-1.

Note: Zero-share participants are not jointly and severally responsible for contract performance.

The following shows forms and signature requirements.

Form	Signature Required
CRP-1 (Exhibit 21) Certification Statement (subparagraph 130 E) Conservation Plan	All operators, owners, and tenants who have an interest in the acreage being offered

Notes: See subparagraph B for exceptions on obtaining owners' signatures.

See 1-CM for accepting FAXed signatures.

B Owners' Signatures

An owner is required to sign CRP-1 unless a farm is under multiple ownership and the owner's name is not on the deed to the portion of land being offered on CRP-1.

335 Signature Requirements (Continued)

C Requirement Exceptions

The requirements for signatures apply unless:

- a trustee of BIA representing the native Americans owning the land signs on their behalf

  Note: All CRP-1's signed by BIA representative on behalf of Native Americans owning the land shall be reviewed by RA. COC shall not approve CRP-1 until RA determines that the required signatures have been obtained.

- a native American has a restrictive 5-year BIA farm lease that has been extended according to BIA provisions.

***--Exception:** If the land has non-Native American owners who are unknown, CRP-1 may be approved without the non-Native American owners' signatures if the total non-Native American owner share is 25 percent or less.

See 3-CM for recording unknown owners or operators in Farm Records.**--***

336 Submitting Offers After Signup Deadline

A Register of Offers

County Offices shall complete a register of producers at the County Office as of COB on the final date for submitting offers. If all offers cannot be processed by the final date, the producers listed on the register shall be:

- assisted as soon as possible after the final date for submitting offers
- considered to have submitted their offers on time.

B Late-Filed Offers

Only offers filed before the deadline for submitting offers are eligible.

Using CRP-36 (Exhibit 5), advise producers who submit offers after the deadline that late-filed offers are not eligible.

Note: Producers listed on the register are not considered late-filed offers.

337 Withdrawing and Modifying Offers

A Adjustments to Acreage Offered

A *** * *** measurement service shall be completed for all acreage determined acceptable before CRP-1 is approved. See 2-CP for redeterminations.

Exception: See paragraph 401.

CRP-1 shall be adjusted to reflect the measured acres. See paragraph 401.

A *** * *** measurement service fee is required on offered acreage using digital imagery. See 2-CP, paragraph 460.

Note: See paragraph 401 for measurement service requirements for approving CRP-1's.

B Withdrawing Offers

Producers can withdraw offers anytime before the close of signup. Withdrawals of a part of the acreage offered are not authorized after the end of the signup period. Offers withdrawn after the close of signup shall be assessed liquidated damages according to paragraph 577.

A request to withdraw a CRP offer shall be:

- in writing
- filed in producer's folder
- accepted.

C Identifying Withdrawn Offers

Identify each offer withdrawn by entering the following on CRP-2:

- the word "Withdrawn" in bold, red letters
- the signature of the person authorizing withdrawal
- the date withdrawal is made.

When an offer is withdrawn before the close of signup, if requested, provide a new CRP-1 to producers for resubmitting an offer by the final signup date. See subparagraphs 332 F and 337 B.

338 Succession to Offers

A General Policy

Succession-in-interest rights do not apply to CRP offers to participate, except for:

- immediate family members of the producer that submitted the offer, according to subparagraph B

- a person, or entity, taking title to the land offered when the producer that submitted the offer dies.

  Note: See subparagraph C.

All other applicable eligibility requirements shall apply to the successor.

Note: See paragraph 555 for succession-in-interest to approved CRP-1.

B Succession by an Immediate Family Member

An immediate family member of the producer who submitted the offer may succeed to an acceptable offer, if all of the following are met:

- producer that submitted the offer met all eligibility requirements

- ***--**successor signs CRP-2, item 25, acknowledging acceptance of offer as originally**--***
  submitted

  Note: No modifications to the original offer are authorized. Successor cannot modify or revise the original offer.

- immediate family member succeeding to the offer meets all other eligibility requirements before CRP-1 is approved.

Successor shall be liable for any liquidated damages.

Immediate family members include parents, children, siblings, grandparents, adopted children, and spouse.

338 Succession to Offers (Continued)

C Succession When Producer Who Submitted Offer Dies

Succession-in-interest rights apply to any acceptable CRP offer when the:

- producer who submitted the offer dies before CRP-1 approval
- person or entity taking title to the land elects to succeed to the offer.

The person or entity taking title to the land may succeed to an acceptable offer, if all of the following are met:

- producer that submitted the offer met all eligibility requirements

- successor signs CRP-2, item 27, acknowledging acceptance of offer as originally submitted

  Note: No modifications to the original offer are authorized. Successor can not modify or revise the original offer.

- successor meets all other eligibility requirements before CRP-1 is approved.

Successor shall be liable for any liquidated damages.

D Notify Eligible Successors

COC shall notify eligible successors to offers that:

- they have 60 calendar days from the date of notification to succeed to the acceptable offer

- the offer will be null and void if it is not succeeded to by an eligible successor within 60 calendar days of notification

- no revisions or modifications, other than succession to the original offer, are authorized.

339 Errors and Omissions Policy

A Identifying Erroneous Records

Erroneous offer records include:

- errors detected in ranking data elements
- changes to CRP-2 data elements:
    - including changes to offered acreage because of measurement service
    - resulting from appeal or technical redeterminations.

Any timely-filed offers found by County Offices to contain incorrect ranking data are considered erroneous. Changes in the CRP-2 data may result in any of the following:

- offer being ineligible
- EBI score increasing
- EBI score decreasing.

A change made to acres of a soil may change the maximum payment rate or the EBI score and may require the offered rental rate to be adjusted by the producer.

B Identifying Omitted Records

Omitted records include:

- ***--**any timely filed eligible signup 45 offer not successfully loaded and/or submitted by the end of signup, COB June 14, 2013, or COB June 21, 2013, where County Offices used**--***a register

- timely-filed offers which were originally determined ineligible and not ranked that are determined eligible through the appeals process or any technical redeterminations.

Important: Late-filed offers are **not** omitted offers. Both CRP-1 and CRP-2 must be completed and signed by an eligible producer and received in the County Office by the end of signup to constitute an offer. CRP-1 or CRP-2 alone does **not** constitute an offer.

Note: See 1-APP for handling appeals.

339 Errors and Omissions Policy (Continued)

C Policy About Errors and Omissions

All **eligible** offers that were omitted and all submitted offers that are later determined erroneous shall be reprocessed by the County Office using the COLS software to determine whether the offer is acceptable. This includes all offers for which CRP-1 has **not** been approved, including those where the producers have been issued letters indicating the offer was acceptable. For errors detected after approving CRP-1, see paragraph 638.

Important: Only COLS software shall be used by County Offices to process omitted and erroneous offers. See subparagraph D. County Offices must submit a copy of the "Offer Scenario" printed from the COLS Submit Offer Screen to the State Office to verify that the omitted or corrected offer was entered into the COLS software. Erroneous and omitted offers must be entered into the COLS software.

COC shall reject any offer that is determined to be unacceptable, including offer records for which producers have been issued letters of acceptability. When offers are determined to be ineligible after CRP-1 has been approved, County Offices shall follow paragraph 638.

--Note:** All signup 45 erroneous and omitted offers must be processed by **COB September 6, 2013**, with the exception of offers determined eligible through the**--appeals process.

D Handling Erroneous Offers With Decreases in Maximum Payment Rate

Certain erroneous offer data may cause a change and subsequent recalculation of the maximum payment rate. If the maximum payment rate ("Maximum Payment Rate" block in COLS) is decreased because of the recalculation, then the producer must agree to accept the lower of either of the following:

- recalculated maximum payment rate
- original rental rate offer.

Note: The producers may withdraw the offer without assessment of liquidated damages.

E Handling Erroneous Offers with Increases in Maximum Payment Rate

If the maximum payment rate ("Maximum Payment Rate" block in COLS) is increased because of the recalculation, then the producer must agree to the offered rental rate from the original CRP-2. If the producer does **not** agree to accept the offered rental rate from the original CRP-2, then the producer may withdraw the offer without liquidated damages.

340 Processing Offers

A Reviewing Offers

--**COC or CED shall ensure that:**--

- producers have submitted offers for CRP-1 by tract and year
- CRP-2 was signed by 1 eligible producer
- CRP-1 was signed
- CRP-1 signers have an interest in designated acres
- CRP-1's contain at least 1 eligible signature

  Note: Notify producers that they have 30 calendar days from the date of notification informing them that their offer was acceptable to obtain **all** signatures, or CRP-1 will not be approved.

- offers that are not acceptable are kept on file for 1 year after the acceptable offer list is received.

B Submitting Offers for the National Office Ranking

County Office shall ensure all offers are submitted COB on the end of signup for review and evaluation by the National Office.

See COLS User Guide for submitting offers to the National Office for ranking.

C Request for Information

After data is reported to the State Office, inform anyone who requests data that the request **must** be submitted in writing according to 2-INFO.

Note: Release requested information only according to 2-INFO.

341 Notifying Producers

A Eligibility Review

--**COC or CED shall:**--

- review the list of acceptable offers to ensure that all eligibility criteria have been met for all offers listed as **acceptable** by the National or State Office

- **not** approve CRP-1 if producer or the offered acreage does not meet eligibility criteria even though the offer is listed as acceptable by the National or State Office.

B Offer Not Acceptable

If the offer is not acceptable, advise the producer that:

- offer was not acceptable
- eligible land may be reoffered in a later signup.

C Procedure for Notifying Producers

--**COC or CED shall notify producers, using CRP-23, CRP-24, and CRP-26 (Exhibit 5), of the status of their offer as soon as the list of acceptable offers is received and an eligibility review was conducted.**--

Provide NRCS or TSP a list of acceptable offers.

341 Notifying Producers (Continued)

D Offer Acceptable and Clearly Eligible

If the offer is determined acceptable, advise the producer:

- to notify the County Office if the producer wants the offer approved

  Note: The producer's notification to the County Office is not required to be in writing. The County Office shall notate the producer's notification and include the notation in the producer's CRP folder.

- that a conservation plan **must** be developed by NRCS or TSP and approved by the Conservation District before CRP-1 can be approved by COC

  Note: County Offices must provide to NRCS or TSP all documents necessary to complete the conservation plan, including, but not limited to the following:

  - CRP-1
  - CRP-2
  - maps.

- of provisions for starting practices. See Part 11.

342-365 (Reserved)

366 Developing Approved Conservation Plan

A Conservation Plan

A conservation plan is a record of the producer's decisions and supporting information for the treatment of a unit of land or water as a result of the planning process that meets NRCS FOTG quality criteria for each natural resource and addresses economic and social considerations. The plan describes the schedule of operations and activities required to solve identified natural resource concerns.

A conservation plan may contain only information related specifically to CRP, or it may be a part of an overall total resource management system in which numerous conservation programs may be used to meet the natural resource needs.

B Original Plan Development

An approved conservation plan is required before CRP-1 can be approved. NRCS or TSP **must** complete a field visit, if necessary, before approving a conservation plan.

County Offices must provide to NRCS or TSP all documents necessary to complete the conservation plan, including, but not limited to the following:

- CRP-1
- CRP-2
- maps.

The approved conservation plan shall be developed by:

- the participant
- NRCS or TSP.

NRCS or TSP is responsible for the following conservation planning, practice implementation, and certification activities:

- environmental evaluation during the conservation planning process
- technical leadership for planning and implementation
- technical concurrence on the conservation plans and revisions
- adherence to subparagraph 367 F about compliance with NEPA, NHPA, ESA, and related laws, regulations, and executive orders.

366 Developing Approved Conservation Plan (Continued)

B Original Plan Development (Continued)

NRCS or TSP shall ensure that the approved conservation plan:

- contains all the practices necessary for the successful establishment and maintenance of the vegetative cover on all of the acres offered for CRP

- is technically adequate for achieving CRP objectives

- incorporates all requirements for Federal, State, or local permits when construction activities are planned

- is reviewed and approved by the Conservation District

--Exception:** CED may approve the plan without the Conservation District signature only if the Conservation District refuses to review the plan. In those rare instances, CED shall document in the COC minutes Conservation--** District refusal to review the plan, including reasons why the Conservation District refused to review the plan.

Note: The Conservation District may assist the producer in planning and implementing conservation management practices and management systems.

- ensures that the CRP cover will not be disturbed during the primary nesting or brood rearing season, as determined by STC in consultation with the State Technical Committee

  Note: See paragraph 427.

- for CP22 when the producer elects natural regeneration, provides **all** of the following:

  - **no** C/S shall be paid for the practice

    Exceptions: See Exhibit 11.

366 Developing Approved Conservation Plan (Continued)

B Original Plan Development (Continued)

- the producer will plant the approved cover at no cost to FSA or CCC according to a revised conservation plan if the riparian buffer is not established through natural regeneration within 2 years of CRP-1 effective date

- conservation practice code 647, Early Successional Habitat Development/Management, is used to identify natural regeneration

- NRCS or TSP shall spot check the site at the end of the second year to determine whether the riparian buffer is established **and** meets the standards and specifications for NRCS conservation practice code 391A, Riparian Forest Buffer.

--Note:** NRCS or TSP **must** immediately notify COC or CED:**--

- of the result of the spot check

- that the participant **must** plant the approved cover with no C/S according to a revised conservation plan, if applicable.

***--Note:** COC or CED **must** notify participant of the results of the spot check.

Before approving CRP-1's, COC or CED shall review and approve the plan to ensure that**--*** it:

- has been signed and agreed to by:

  - all signatories to CRP-1
  - NRCS or TSP
  - Conservation District
  - ***--**COC or CED

  Note: COC or CED may approve the plan without the Conservation District signature**--*** if the Conservation District refuses to review the plan.

- for natural regeneration of CP22, requires:

  - the producer to plant the approved cover with no C/S if the approved cover is not established within 2 years of CRP-1 effective date

  - NRCS or TSP to spot-check the site at the end of the second year to determine whether the riparian buffer is established and meets the standards and specifications of NRCS conservation practice code 391A, Riparian Forest Buffer

366 Developing Approved Conservation Plan (Continued)

B Original Plan Development (Continued)

- includes all of the eligible acres offered for CRP
- includes required maintenance for weed, insect, and pest control for life of CRP-1
- including contract management activities to be taken to implement the conservation plan, as applicable
- includes only practices requested on CRP-1
- includes C/S for eligible practices only

  Important: See Exhibit 11 for eligible C/S for natural regeneration of CP22.

- includes application rates, such as the amount of seed, lime, and fertilizer, that are consistent with practice specifications

  Note: The conservation plan may reference the NRCS Job Sheet for the application rates. The producer **must** be provided a copy of the Job Sheet with the conservation plan.

- meets the objectives of CPA, when applicable
- includes the following:
  - FSA field number and acreage
  - timeframe and deadline to implement the approved practice or practices and management activities
  - a map of the acres to be enrolled.

--CED shall reject the plan if these requirements have not been satisfied.--

366 Developing Approved Conservation Plan (Continued)

C Application of Practices

The approved conservation plan shall include measures necessary for the successful establishment and maintenance of the approved practices and required management activities. This applies regardless of eligibility for C/S funds.

National practice CP12 may be included in the approved conservation plan only to enhance certain other practices included in the approved conservation plan if the:

- producer wants to establish a wildlife habitat
- area is suited for the successful establishment of the practice.

Note: See Exhibit 11 for practices eligible to be used in conjunction with CP12.

D Practice Performance Requiring Permits

Persons who want to perform practices on land they do not own or to install practices that require State or Federal permits are responsible for obtaining:

- the easements, permits, or rights-of-way
- other permission necessary to perform and maintain practices.

COC or agency technician need not verify the producer's statement about the existence of permits, easements, right-of-way, etc., with the issuing authority.

- NRCS policy may be more restrictive in some States.

- If a practice meets specifications, approved C/S shall be paid even if it is later found that the producer did not have the necessary authorities.

The person receiving C/S assistance is responsible to CCC for any losses sustained by the Federal Government if the person:

- infringes on the rights of others
- does not comply with applicable laws and regulations.

367 Conservation Planning

A Conservation Plan Development

Upon notification that the offer is acceptable, the designated NRCS conservationist will work with the producer to develop a conservation plan or incorporate CRP needs and practices into an existing conservation plan. The designated conservationist will also coordinate with the appropriate agencies relating to the planning and installation of wildlife habitat and forestry practices.

B Plan Requirements

An approved conservation plan:

- includes all of the eligible acres offered for CRP
- prohibits harvesting or grazing of CRP acreage for the life of CRP-1

  Exception: Managed or emergency haying or grazing.

- has suitable planned cover for the soil types enrolled
- includes practices required for the establishment of permanent cover
- contains the practices necessary for the successful establishment and maintenance of the approved cover on all acres enrolled
- contains practices necessary to control weeds, insects, and pests
- encourages the best method for maintenance of the approved cover, such as prescribed burning or other options
- contains required management activities
- meets the specific environmental objectives of CPA if applicable
- is technically adequate for achieving CRP objectives
- ensures that the CRP cover will not be disturbed during the primary nesting or brood rearing season, as determined by FSA STC in consultation with the State Technical Committee (see paragraph 427)
- includes engineering plans.

367 Conservation Planning (Continued)

C Conservation Plan Map

The conservation plan map shall show the number, field boundaries, easements, and acres, as identified by FSA. The land use shall be identified as “Cropland-CRP-Cover type.”

D Additional Material to Include in the Conservation Plan

In addition to the material outlined in the National Planning Procedures Handbook, the conservation plan shall include information or job sheets on the following:

- vegetative or cover establishment
- herbicides, insecticide, or mechanical weed control.

E Planning Policy

Technical references and conservation planning policy include:

- National Planning Procedures Handbook
- FOTG, Sections III and V
- GM 180 Part 409.

367 Conservation Planning (Continued)

F National Environmental Policy Act and Other Requirements

NEPA, NHPA, ESA, and other related laws, regulations, and executive orders require Federal agencies to consider the potential impacts of their proposed actions upon the human environment. Therefore, **before** approving CRP-1's, land applications of animal waste, or construction of wind-powered generation devices, FSA **must** ensure that **all** potential impacts to the human environment have been considered according to 1-EQ, 7 CFR Part 799, and GM 190 Part 410, and adhere to the following.

Item for Approval	Criteria

CRP-1	FSA:
	
	• shall use NRCS-CPA-52 completed by NRCS or TSP during the conservation planning process to determine potential impacts of the proposed CRP-1 and associated CP's on the human environment
	
	• approval official will ensure that **all** appropriate environmental requirements have been met, which should include the following:
	
	  • a completed NRCS-CPA-52, after the field visit portion if necessary, of the conservation planning process is completed
	
	  • any related documentation to support conclusions made about potential impacts on environmental resources and special issues identified in the completed NRCS-CPA-52
	
	  • FSA completed NRCS-CPA-52, Sections P, Q, and R **only after** completing all necessary consultations with SHPO, THPO, American Indian Tribes, other consulting parties concerned with cultural resources, FWS, and NOAA Fisheries.
	
	Note: For proposed actions that occur within wetlands or floodplains, see 1-EQ for guidance.

Land Application of Animal Waste, Sludge, or Agricultural By-Product	***--**Before COC or CED approves the application of animal waste,**--*** sludge, or agricultural by-product, FSA shall: • complete FSA-850, in addition to complying with the requirements of paragraph 635 • include FSA-850, with appropriate supporting documentation and consultation records as part of the producer's CRP file.
Construction of Wind Turbines	***--**FSA shall complete an environmental review, using FSA-850 to ensure that any potential impacts on NRCS-CPA-52 do **not** adversely impact any listed threatened and endangered species, which will then be forwarded to SEC for approval before COC or CED approves the wind turbines.**--***

367 Conservation Planning (Continued)

G Other Technical Assistance Sources

Participants may use conservation planning, practice implementation, and certification services of certified persons other than NRCS, such as:

- private businesses or consultants
- other organizations
- TSP's
- Federal, State, and local government agencies, such as:
    - State wildlife agencies
    - State forestry agencies
    - State water quality agencies.

Note: See Conservation Programs Manual, Part 504 for information regarding third party vendors.

The NRCS designated conservationist may accept conservation plans previously developed by conservation partners or consultants provided the plan meets CRP requirements and NRCS technical requirements.

H Technical Error

If a technical error is discovered resulting in an incorrect conservation plan, NRCS or TSP will:

- immediately contact the appropriate participant
- revise the system to meet CRP standards.

368 NRCS Conservation C/S Agreement

A Conservation Plan and C/S Agreement

For CRP, the conservation plan shall be developed to meet identified resource conservation needs. The conservation plan may or may not extend across program boundaries.

The C/S agreement is developed to meet specific program needs. For CRP, the C/S agreement is the conservation plan.

B Plan/Schedule of Operations

The designated conservationist shall assist producers in preparing the conservation plan using NRCS-approved electronic forms. Other approved forms, including electronic forms, may be used for contract support documents.

C Use of Existing Plans

Existing conservation plans, if applicable, may be used in preparing the conservation plan for CRP. NRCS, FSA, and the producer shall each receive a copy of the conservation plan. All entries shall be legible, and use NRCS-approved electronic forms. Plans shall also include:

- conservation planning map
- planning legend
- applicable job sheets referred to on an NRCS-approved electronic form.

368 NRCS Conservation C/S Agreement (Continued)

D Required Signatures for Conservation Plan

For CRP, NRCS-approved electronic forms **must** be signed by all of the following:

- CRP producers listed on CRP-1
- designated conservationist
- conservation district representative.

***--Note:** See paragraph 366 for requirements before COC or CED approves the conservation plan.

FSA COC or CED shall have concurrence with the Contract Support Document for CRP**--***
acreage. If CRP acreage is not in a conservation district or the conservation district refuses to sign the conservation plan, the State Conservationist shall delegate authority to approve the conservation plan.

E Conservation Plan/Contract Support Document Requirements

An approved conservation plan includes:

- all of the eligible acres offered for CRP
- required maintenance for weeds, insects, pests, or other undesirable species for the life of CRP-1
- only those practices requested in CRP-1
- application rates that are consistent with practice specifications.

Note: Any other changes in regard to the above items may void CRP-1.

369 NRCS Assembling and Filing CRP Documents

A Overview

Many of the documents needed for CRP case files are available electronically. However, a few of the required documents, such as CRP-1 and CRP-2, are not available electronically and **must** be filed manually. CRP documents shall be filed according to State policy.

Note: County FSA Offices shall:

- maintain the original CRP-1, CRP-1 Appendix, and CRP-2
- provide NRCS with a copy of any documents needed for NRCS CRP case files.

Historically, CRP documents have been contained in a 6-part folder. The following subparagraphs provide suggestions for assembling and filing CRP documents.

B Standard File Folder

If a standard file folder is used, the arrangement of the contents of the first cover should be:

- conservation plan map and legend
- tree planting plan provided by the State Forestry Agency
- job sheets referenced from the conservation plan
- soil map
- interpretative information containing HEL designations
- CRP-2
- erosion and predominant soil worksheets.

The contents of the second cover should be:

- NRCS-approved forms
- CRP-1
- AD-862
- other support data.

Note: Each document should be filed with the latest version in front.

369 NRCS Assembling and Filing CRP Documents (Continued)

C First Cover of Six-Part Folder

If a six-part folder is used, the following arrangement is specified for continuity and uniformity. The arrangement of the documents for each cover from front to back should be:

- CRP-1
- letters to and from the producer
- location map, if used.

D Second Cover of Six-Part Folder

The following is the order for the second cover:

- NRCS-LTP-013, latest on top
- NRCS-CPA-06.

E Third Cover of Six-Part Folder

The following is the order for the third cover:

- conservation plan map and legend
- soil map
- soil interpretive information containing HEL designations.

F Fourth Cover of Six-Part Folder

The following is the order for the fourth cover:

- NRCS-CPA-1156, latest on top
- NRCS-CPA-1155.

369 NRCS Assembling and Filing CRP Documents (Continued)

G Fifth Cover of Six-Part Folder

The following is the order for the fifth cover:

- job sheets referenced from the Conservation Support Document
- CRP-2
- National/State ranking forms.

H Sixth Cover of Six-Part Folder

The following is the order of the sixth cover:

- AD-862, latest on top
- other support data.

I Assistance Notes

Appropriate documentation shall be included in the conservation assistance notes in the FOCS data base. Do not duplicate this information on NRCS-LTP-013.

J Disposition of Completed or Terminated CRP-1's

Record the termination or expiration date on each CRP-1. NRCS shall follow the Records Management Guide (120 GM, Part 408) for records maintenance and disposal.

370-400 (Reserved)

Part 12 Approving CRP-1's

401 Approving and Numbering CRP-1's

A Requirements Before Approval

Before approving CRP-1's, County Offices shall:

- ensure that a separate CRP-1 is completed for:
  - each CRP-2 or CRP-2C
  - practices with different lifespans

    Note: See paragraphs 211 and 332.

- determine acres to be enrolled by completing a paid-for measurement service

  Exceptions: Measurement service is not required for:

  - official fields
  - any acreage currently enrolled that has been reoffered and accepted, if the specific area accepted was measured before enrollment.

    Notes: In early signup periods, offers were accepted by farm. Offers are now required to be by tract. If acreage currently enrolled were required to be reoffered separately because the acreage is located on more than 1 tract, the acreage is required to be measured.

    --**The use of TERRA is considered a measurement service. No measurement service fee is charged for the use of TERRA. If staking and referencing or in office measurement, other than TERRA, is performed, see 2-CP, paragraph 460 for fees.**--

- adjust the acreage on CRP-1 as appropriate according to the completed measurement service
- ensure that DCP acres and CRP acres do not exceed cropland on the farm, according to subparagraph 401 B
- complete approved farm reconstitutions

401 Approving and Numbering CRP-1's (Continued)

A Requirements Before Approval (Continued)

- complete a second party review of all eligibility requirements and maximum payment rate calculations

- ***--**ensure that CCC-931 or CCC-933, as applicable, has been filed for all producers with**--***
  a share greater than zero, including members of entities and joint operation, and updated in the web-based Subsidiary Eligibility System before CRP-1 approval

  Notes: CCC-931 **must** be filed to ensure that CRP participants are aware of payment eligibility for new CRP contracts or revised CRP contracts where there is a succession. This does **not** require that a prospective CRP participant be eligible for payments, **only** that CCC-931 be filed.

  If a zero share producer revises their share, the appropriate AGI form is required. See paragraph 131.

- review the multiple county producer list with other County Offices

- ensure county cropland limit eligibility according to Part 4

Note: The first five CREP offers per county **must** be reviewed by STC before COC or CED approval.

- determine the total annual rental rate for the acreage being offered and all previously approved CRP-1's

- ensure that NRCS has terminated all applicable WBP agreements.

  Note: File a copy of the terminated WBP agreement in the producer's CRP folder.

401 Approving and Numbering CRP-1's (Continued)

A Requirements Before Approval (Continued)

For general signups, a producer may change CRP practices only if all of the following conditions are met:

- original offer was accepted
- CRP-1 has not been approved
- the EBI score of the new practice is equal to or greater than the EBI score of the existing practice.

Important: When determining whether the EBI score of the new practice or practices is equal to or greater than the EBI score of the original practice or practices, COC or CED **must** use the same EBI criteria that was used for the original offer. See CRP-2 for EBI score.

For continuous signup, a producer may change practices if CRP-1 has not been approved.

--

401 Approving and Numbering CRP-1's (Continued)

B Approving Contracts

Approve CRP-1's if:

- offer is included on the list of acceptable offers

  Note: This is not applicable to continuous signup contracts.

- for continuous signup CRP-1's, all applicable requirements according to paragraph 181 have been met

- all required signatures have been obtained on all related CRP forms and plans

- a conservation plan is approved for the acreage

- ***--**the current CCC-931 or CCC-933, as applicable, has been filed for all producers with**--***
  a share greater than zero and updated in the web-based Subsidiary Eligibility System

- the conservation plan is consistent with policies in paragraph 366

- DCP contract acres and CRP acres do not exceed the cropland on the farm.

If the total acres, excluding any marginal pastureland, such as WBP noncropland acres based on the effective date of CRP-1's, exceeds DCP cropland for the farm, the producer shall designate which of the following to reduce:

- CRP acres being offered
- DCP acreage
- GRP acreage being offered.

Important: Land transitioned under TIP CRP-1R is not subject to DCP base reduction.

Notes: Reduction of CRP acres offered shall be completed before the end of the applicable signup period.

The reduction of applicable acres shall be to the extent the total CRP and DCP cropland acreage does not exceed the cropland for the farm.

Acreage enrolled in an approved CRP-1 cannot be reduced.

County Offices shall calculate the number of acres on a farm that may be enrolled in CRP or GRP without requiring a reduction to DCP base acres at the time the producer submits CRP-2, CRP-2C, or CCC-920.

401 Approving and Numbering CRP-1's (Continued)

B Approving Contracts (Continued)

When the producer determines to reduce DCP base acres on a farm because of enrollment into CRP or GRP, the producer **must** complete CCC-505 at the time the acres are being offered for CRP or GRP.

Note: Some producers may elect to modify the number of acres to be offered for CRP or GRP instead of reducing DCP base acres on the farm.

Reduce DCP acreage and complete CCC-505 according to 1-DCP.

- acreage determinations have been made and verified by a *** * *** measurement service

  Exceptions: Measurement service is not required for:

  - official fields
  - any acreage currently enrolled that has been reoffered and accepted, if the area accepted was measured before enrollment.

    Notes: In early signup periods, offers were accepted by farm. Offers are now required to be by tract. If acreage currently enrolled were required to be reoffered separately because the acreage is located on more than 1 tract, the acreage is required to be measured.

    --**The use of TERRA is considered a measurement service. No measurement service fee is charged for the use of TERRA. If staking and referencing or in office measurement, other than TERRA, is performed, see 2-CP, paragraph 460 for fees.**--

- all acreage eligibility determinations have been made.

401 Approving and Numbering CRP-1's (Continued)

C COC Responsibilities

COC, or designee, shall:

- sign and date each eligible CRP-1 if:
  - listed as an acceptable offer

    Note: This is not applicable to continuous signup contracts.
  - requirements in this paragraph have been met
- not approve CRP-1's for persons listed in subparagraph D
- follow conflict of interest provisions in 22-PM, Part 9.

D Approval Responsibilities

An STC or DAFP representative shall review certain CRP-1's before approval. The following shows required reviews, persons responsible for review, and persons responsible for approval or disapproval.

CRP-1's for...	MUST be reviewed by...	BEFORE approval or disapproval by...
• COC members • County ES employees • FSA County Office employees • other County USDA employees • Conservation District board members	DD	DD.
State Office employees	STC	STC.
STC members	DAFP	SED.
SED's	DAFP	STC.
Other FSA employees	DAFP	STC.

Note: Reviews **must** be completed for any entity for which the employees, who are subject to a required review, have a substantial beneficial interest, according to 1-PL or 4-PL, as applicable.

401 Approving and Numbering CRP-1's (Continued)

D Approval Responsibilities (Continued)

Persons making the required reviews shall ensure that all:

- eligibility requirements are met
- required entries on CRP-1, CRP-2, and CRP-2C are completed.

SED or STC, as applicable, shall not approve CRP-1's unless authorized by DAFP in writing.

--E Numbering CRP-1's for CREP and FWP--

Number CRP-1's according to the following

WHEN...	THEN...
assigning original CRP-1 number	•*--number CRP-1's in the sequence COC or CED approves--* CRP-1's • use only 1 series regardless of FY CRP-1 is approved **Example:** 1, 2, 3, etc., up to 8999. **Note:** Use 9000 to 9999 as temporary numbers only. • use the original assigned number for the life of CRP-1.
revising CRP-1	• use the original assigned CRP-1 number • add an alpha suffix beginning with "A". **Example:** 1A, 1B, 1C, etc., up to suffix "Z". See paragraph 546.

If transferring CRP-1 to another County Office or State:

- the transferring County Office sends original CRP-1 and keeps a copy
- the receiving County Office assigns its next sequential number.

Note: Do not assign a suffix to CRP-1 if all land under CRP is transferred.

F County Office Action

After requirements in subparagraphs A through C have been met, notify producer of approval using CRP-24 (Exhibit 5).

*--All CRP-1's approved by COC or CED for CREP and FWP **must** be loaded into the--* System 36 according to 1-CRP, paragraphs 300.4 and 300.5.

402 CRP-1 Period

A Length of Time

The CRP-1 period shall be 10 through 15 FY's. See Exhibit 32 for CRP-1 effective dates and corresponding expiration dates.

B Example of 10-Year CRP-1

CRP-1 period for FY 1991 CRP-1's will end on September 30, 2000.

See Exhibit 20 for signup periods and program years.

C Effective Date

--**For signup 45, the effective date of CRP-1 shall be October 1, 2013, for either of the**--following:

- new land

- acreage that is currently enrolled in CRP at the time of signup that expires on ***--**September 30, 2013, and is re-enrolled during signup 45.**--***

Notes: Harvest of the prior year's agricultural commodity crop is permitted after October 1 without a payment reduction.

For acreage not enrolled in CRP at the time of signup, grazing is prohibited beginning, the later of, for acreage with a CRP-1 effective date of October 1:

- 10 calendar days after COC or CED approves CRP-1
- October 1 of the first year of CRP-1.

COC shall notify producers of this policy.

See paragraph 213 for effective dates and grazing restrictions of CRP-1's approved under continuous signup provisions.

403-425 (Reserved)

Part 13 Establishing and Maintaining Practices

426 Establishing Approved Cover

A Establishing Required Cover on CRP-1

CRP participants shall agree to establish and maintain approved practices according to the conservation plan of operations.

***--Use of hand-collected seed is not authorized for CRP. COC or CED shall not--* approve CRP-1 when hand-collected seed was or will be used to establish the cover**.

Exception: If verification of PLS factor, germination, and seed quality is provided, hand-collected seed may be used to establish the CRP cover.

Note: See subparagraph 491 D.

Practices included in the CRP conservation plan **must** cost-effectively achieve a reduction in soil erosion to maintain:

- the productive capacity of the soil
- water quality improvements
- wetland or wildlife protection
- reduced airborne wind particulate matter
- public wellhead protection
- environmental benefit achievements.

NRCS or TSP shall encourage the participant to:

- where appropriate, plant perennial seeding and planting mixes that achieve the highest environmental benefits for each CRP practice

- where practical, as determined by NRCS or TSP, use State-certified seed for CRP

  Note: However, common seeds, especially for natives, may be used when certified seed is **not** available.

- where appropriate, avoid the use of single, introduced species

- use native legumes, forbs, shrubs, and plant mixes

- ensure that the approved seeding mix does not include weed species, including noxious weed species.

426 Establishing Approved Cover (Continued)

A Establishing Required Cover on CRP-1 (Continued)

*--**COC or CED, or designee, shall only** agree to conservation plans or approve CRP-1's--* that do **not** include C/S for:

- hand-collected seed, except when verification of PLS factor, germination, and seed quality is provided

- practices tailored to specifically enhance or change the commercial production

  Exception: Haying or grazing of grasses or harvesting forest products from CP3 and CP3A when CRP-1 expires.

- purchasing and establishing species of grasses, legumes, trees, and other vegetative cover that are not adaptable to the area without excessive cost to establish the cover

- providing any plastic mulch or supplemental irrigation water, except where CP5, CP5A, CP16, CP16A, CP17, CP17A, CP22, and CP25 will be established in areas where the average annual precipitation is 25 inches or less.

Until a final status review has been completed by NRCS or TSP or the participant has *--certified practice completion, COC or CED in consultation with NRCS or TSP, may allow--* participants to spray and mow the acreage under contract at any time, if this activity is required in the conservation plan to establish the approved cover.

Note: This includes mowing and clipping of a nurse crop that was used to establish the approved cover.

426 Establishing Approved Cover (Continued)

B When to Start CRP Practice

Producers shall be advised that:

- approved CRP practices may be started:
  - after submitting the offer to the County Office

    Note: Starting a practice before final approval of CRP-1 is at the producer's own risk.

  - when notified that CRP-1 has been approved
- where practicable, as determined by NRCS or TSP, State-certified seed shall be used for CRP

  Note: However, common seeds, especially for natives, may be used when certified seed is not available.

- C/S payments are ineligible if:
  - offer is not accepted
  - designated acres are ineligible
  - practice does not meet specifications
  - practice is not included in the approved conservation plan.

  Note: See paragraph 429 for C/S when modifying approved conservation plan.

C Permanent Covers

The approved conservation plan **must** include the establishment of a permanent vegetative cover:

- according to the planting timespan requirement in Exhibit 11
- before the presence of an erosion problem.

The participant is eligible to receive C/S assistance after CRP-1 is approved and the approved cover is seeded, or for approved water cover, required establishment activities, such as earth moving and blocking drains, have been completed.

426 Establishing Approved Cover (Continued)

C Permanent Covers (Continued)

Approved permanent cover is required to be seeded within 12 months after the CRP-1 effective date, according to Exhibit 11. However, NRCS or TSP, in consultation with COC *--or CED, may, in developing the conservation plan, permit up to an additional 12 months,--* not to exceed 24 continuous months, to seed or install the approved permanent cover if any of the following apply:

- the specific site conditions require additional time to seed the approved cover to not adversely impact the natural resources of the site or surrounding areas
- the approved grass seed, grass mixture, trees, or shrubs are not available
- seed costs will create an adverse economic hardship on the participant.

Example: Jane Smith's signup 39 CRP-1 for 100 acres was approved with an effective date of October 1, 2010. The approved permanent cover is required to be seeded by October 1, 2011, according to Exhibit 11. The next normal planting date for the approved permanent cover begins in May 2011 and ends in June 2011. Because of the specific site conditions, planting the entire 100 acres to the approved permanent cover at 1 time would cause severe erosion on the acreage enrolled and cause similar adverse impacts on the surrounding fields. NRCS, in consultation *--with COC or CED, may, in developing the conservation plan, provide--* Ms. Smith an additional 12 months (to October 1, 2012) to seed the approved permanent cover on a portion of the field to reduce the adverse environmental impacts to the site. An approved temporary cover, if needed, **must** be seeded on the acreage not planted to the approved permanent cover according to the conservation plan.

Notes: Determinations to permit an additional 12 months to seed the approved permanent cover shall be:

- made on a case-by-case basis
- recorded in the conservation plan.

Up to 3 years may be permitted for certain hardwood tree plantings. See Exhibit 11.

426 Establishing Approved Cover (Continued)

D Additional Months to Establish Permanent Covers Authorized (Continued)

--After the conservation plan is approved, COC or CED may approve a revised plan, signed pen and ink changes by the participant, to allow up to 2 additional 12-month extensions of time to seed or install the approved permanent cover if COC or CED determines that any-- of the following applies:

- the approved grass seed, grass mixture, trees, or shrubs are not available
- seed costs will create an adverse economic hardship on the participant
- the producer has been prevented from timely seeding the approved permanent cover because of adverse weather conditions.

Notes: See paragraph 429 for modifying approved conservation plans.

Neither COC or STC may approve extensions to seed or install the approved cover beyond the 2 additional 12-month extensions provided in this subparagraph.

***--Important:** In **no** case shall COC, CED, or STC approve a revised conservation plan--* for more than a total of 36 months, original 12 month plan, plus up to 2 additional 12-month extensions, to seed the approved permanent cover. CRP-1's that do not have the approved permanent cover seeded in 36 months of the effective date shall be terminated. Terminate according to paragraph 573.

Meritorious requests for authority to continue CRP-1, on which the approved permanent cover has not been seeded within 36 months of the effective date of CRP-1, may only be approved by DAFP. COC and STC may submit requests *--to DAFP, only if both COC or CED and STC determine the request is--* justified based on documented and verifiable facts of the individual case. All cases submitted to DAFP must include the following:

- complete explanation of how such a contract will be able to achieve the environmental benefits for which it was scored on EBI and accepted for enrollment in CRP
- copy of the participant's request for additional time to seed the approved permanent cover
- copy of COC and STC minutes thoroughly documenting and justification supporting the request

426 Establishing Approved Cover (Continued)

D Additional Months to Establish Permanent Covers Authorized (Continued)

- copy of all applicable forms and documents, such as CRP-1's, CRP-2's, aerial photocopies, conservation plan, and job sheets

- *--all documentation used by COC or CED and STC during review of the--* subject case

- narrative of the case in chronological order.

E Temporary Covers

If the approved cover cannot be seeded within 12 months of the effective date of CRP-1, a suitable temporary cover shall be seeded according to the conservation plan. C/S for *--temporary cover, if needed, is authorized when COC or CED determines, based on--* recommendation of NRCS or TSP, that the seeding of the approved permanent cover should be delayed.

Note: Temporary cover shall be established at the participant's own expense if C/S was declined by the participant when the offer was submitted.

Viable native or tame grass species that are currently adequately controlling erosion may be adequate temporary cover.

Note: Weeds, crop residue (unless adequate for erosion control), etc. are not acceptable as a temporary cover under any circumstance.

C/S earned shall be computed based on the average cost of carrying out the practice, as *--determined by COC or CED according to Part 15.--*

427 Maintaining Approved Cover

A Practice Maintenance

CRP cover maintenance is the participant's responsibility. Participants shall maintain practices, according to the conservation plan and this paragraph, without additional C/S assistance. The maximum payment rate calculation considers the cost of maintenance, if applicable, for the participant throughout the CRP-1 period.

NRCS or TSP shall work with participants to plan appropriate maintenance practices, such as mowing, spraying, or prescribed burning in a logical and practical manner. All practices necessary for the successful establishment and maintenance of the approved cover shall be included in the conservation plan and agreed to by the participant. Maintenance practices ***--**shall meet CRP and participant objectives. NRCS or TSP, in consultation with COC or CED, shall determine when maintenance practices can be rescheduled. For CRP-1's**--***
where maintenance was not scheduled, the conservation plan shall be modified to include appropriate maintenance.

Except as provided in paragraph 492, participants shall ensure:

- that adequate approved vegetative cover is maintained to control erosion for the CRP-1 period

- compliance with State noxious weed laws, if applicable, as determined by the State or local noxious weed commission

--Note:** Neither STC nor COC or CED has the authority to determine whether a CRP**--
participant has failed to comply with State noxious weed laws. Upon a finding of failure to comply with State noxious weed laws, by the appropriate authority, STC and COC shall assess appropriate payment reductions or terminate CRP-1, as applicable, according to paragraph 571 and 4-CP.

- ***--**control of other weeds that are not considered noxious, as determined by COC or CED,**--***
for CRP-1's entered into after November 28, 1990

- that undesirable vegetation, weeds (including noxious weeds), insects, rodents, etc., that pose a threat to existing cover or adversely impact other landowners in the area are controlled

427 Maintaining Approved Cover (Continued)

A Practice Maintenance (Continued)

- after an NRCS or TSP final status review or after the CRP participant certifies completion of the practice, all CRP maintenance activity, such as mowing, burning, and spraying, is conducted outside the primary nesting or brood rearing season for wildlife and according to the conservation plan, except that spot treatment of the acreage may be allowed during the primary nesting or brood rearing season if **all** of the following are met:

  - if untreated, the weeds, insects, or undesirable species would adversely impact the approved cover

  - ***--**COC or CED, in consultation with NRCS or TSP, determines such activity is needed to maintain the approved cover

    Note: CRP participants shall receive COC or CED approval before beginning**--***
    spot treatment of acreage.

  - the spot treatment is limited to the affected areas of the field.

  Note: For purposes of maintenance activity, CRP participant certification of completing the practice will be considered the end of the maintenance period.

--**When spot treatment is determined necessary, COC or CED shall approve a method that**--
results in the least damage to the nesting wildlife and habitat.

Note: Spot treatment includes spot spraying and spot mowing, and is limited to the immediate area of infestation.

Periodic mowing and mowing for cosmetic purposes is prohibited at all times, even if this activity is included in the conservation plan.

Annual mowing of CRP for generic weed control is prohibited.

Note: Beyond the primary nesting season, occasional mowing for control of weeds, insects, or pests is permissible if included in the conservation plan.

427 Maintaining Approved Cover (Continued)

A Practice Maintenance (Continued)

Participants are responsible for fire management on CRP acreage. Where appropriate, firebreaks shall be:

- included in the contract support document
- installed according to NRCS Firebreak Standard 394.

Barren firebreaks shall only be allowed in high risk areas, such as transportation corridors, rural communities, and adjacent farmsteads. The designated conservationist shall document in the contract support document that there will not be an erosion hazard from the barren firebreak. If erosion becomes a problem, remedial action shall be taken.

B Conservation Practices

Except for Christmas trees and ornamentals, CRP participants may establish other conservation practices, including alternative perennials, without C/S. The establishment of these practices shall be:

- within existing policy to comply with conservation compliance provisions
- at the participant's own expense
- included in the approved conservation plan
- approved by the Conservation District
- ***--**subject to COC or CED approval.**--***

428 Managing Approved Cover

A Required Management

All CRP participants with contracts effective beginning with signup 26 are required to perform at least 1 management activity as part of their approved conservation plan. This management activity shall be designed to ensure plant diversity and wildlife benefits, while ensuring protection of the soil and water resources. Management activities are site specific and are used to enhance the wildlife benefits for the site. Management activities **must** be completed before the end of year 6 for contracts with a 10 year contract length, or before the end of year 9 for contracts with a 15 year contract length. In no case should the 1 required management activity occur during the last 3 years of the CRP contract.

Notes: Additional management activities may occur up to year:

- 8 for 10-year contracts
- 13 for 15-year contracts.

Thinning may be used as a management activity in any year provided no cost-share is paid.

Failure to perform planned management activities can result in contract violation. See paragraph 603 for noncompliance.

NRCS or TSP shall work with participants to plan appropriate management activities, such as, light disking, inter-seeding, tree thinning, and other components applicable to the practice that will create plant diversity for the benefit of wildlife and enhancement of the permanent cover.

The participant may receive up to 50 percent C/S for the management practices. See paragraph 512 and Exhibit 11 for C/S provisions.

B Voluntary Management

For all CRP-1's before signup 26 and CRP-1's modified to include thinning and associated forest management activities, management activities can be voluntarily performed, with C/S, if participants voluntarily request to revise the conservation plan to include management activities with the same terms and conditions as established for the required management activities.

Note: Thinning is considered a voluntary management activity on all CRP-1's for all signups.

428 Managing Approved Cover (Continued)

C Development of Management Activities

FSA shall establish a management activity development team to develop State specific management requirements that will ensure plant diversity and wildlife benefits, while ensuring protection of the soil and water resources. The team membership shall include, but not limited to, the following:

- NRCS
- FWS
- State fish and game agencies
- State foresters
- other appropriate agencies.

The team **must** develop a list of management activities conforming to provisions of **all** practices as shown in Exhibit 11, that a CRP participant, in consultation with NRCS or TSP, may select for the enhancement of the resource. The specifications **must** include the following for each management activity:

- frequency of management implementation
- time period for management action
- specifications for the management actions.

Note: Management activities, with the exception of customary forest management activities, must **not** be performed during the primary nesting or brood rearing season.

Recommendations shall be presented to the State Technical Committee for review. The State Technical Committee recommendations **must** be provided to FSA STC for consideration and final determination.

D STC Approval

STC, upon recommendation of the State Technical Committee, **must** approve or disapprove management activities for all CRP practices, including CREP, continuous, and FWP, as appropriate. STC does not have authority to exempt practices from required management. STC's **must** submit a request, with justification, to CEPD to exempt any practice from the management activity requirement.

429 Modifying Approved Conservation Plan

A Allowed Modifications

A modification to an approved conservation plan **must** be in the best interest of CRP. Acceptable modifications are:

- adding or modifying a CRP practice
- changing CRP practices

Notes: CRP practices with lifespan requirements between 15 and 30 years may not be changed to a practice with lifespan requirements of less than 15 years.

General CRP practices may be changed only when the EBI score for the new practice is equal to or greater than the EBI score of the existing practice. See paragraph 401.

Important: When determining whether the EBI score of the new practice or practices is equal to or greater than the EBI score of the original ***--**practice or practices, COC or CED **must** use the same EBI criteria that was used for the original offer.**--***

CP3 and CP3A cannot be changed to CP1 or CP2.

Changing continuous signup practices must meet needed and feasible and address the resource concern.

429 Modifying Approved Conservation Plan (Continued)

A Allowed Modifications (Continued)

- deleting land from CRP-1, according to paragraph 571
- scheduling reapplication of practice
- reflecting change in ownership
- implementing other noncost-shared conservation measures, if producer agrees to install according to the approved conservation plan on CRP land already seeded to an acceptable cover.

Note: Participants may establish, at their own expense, additional practices that enhance:

- erosion control
- water quality
- wildlife
- other types of cover.

Exception: Participants may be eligible for C/S to establish a permanent water source for wildlife on CP1, CP2, and CP4D.

429 Modifying Approved Conservation Plan (Continued)

B Approving Conservation Plan Modifications

***--The designated conservationist shall consult with the participant and COC or CED before preparing any modification to the conservation plan. COC or CED has final approval of all conservation plan modifications.**

COC or CED shall review and approve conservation plan modifications to ensure that the**--*** revised plan:

- has been signed and agreed to by:
  - all signatories to CRP-1
  - NRCS or TSP, certifying technical adequacy
  - Conservation District, if modification involves the technical aspect of the conservation plan
- includes:
  - all of the eligible acres offered for CRP
  - required maintenance for weed, insect, and pest control for the life of CRP-1
  - required management activities for each practice, as applicable
  - only practices requested on CRP-1, or otherwise required in subparagraph A
  - C/S for eligible practices only

    Note: See subparagraph C.
  - application rates, such as the amount of seed, lime, and fertilizer, that are consistent with practice specifications.

    Note: Any other changes may void CRP-1.

***--COC or CED shall reject the revised plan if these requirements have not been--* satisfied.**

429 Modifying Approved Conservation Plan (Continued)

B Approving Conservation Plan Modifications (Continued)

NRCS or TSP shall revise conservation plans using any of the NRCS-approved planning forms, or when appropriate, by making pen and ink changes to:

- add, modify, or delete items
- substitute 1 practice for another to solve conservation problems
- delete land
- schedule seeding or installing of a practice
- extend CRP-1 period
- change ownership of the land
- change in the extent of performance.

Revisions to the contract support document are not needed when:

- changes take place in estimated costs
- practice installation is accomplished ahead of schedule or is delayed.

Note: Dates should be included in the conservation plan and approved NRCS forms.
***--**NRCS or TSP shall notify FSA of these changes. If practice is delayed, COC or CED approval for an extension of time is required.

C C/S for Changing Practices

COC or CED shall **not** approve C/S to change or add practices unless **all** of the following**--***
are met:

- C/S was not previously paid for the establishment of a permanent cover
- the participants have **not** started the revised practice **before** approval of the change
- the new practice is otherwise eligible for C/S according to Exhibit 11
- the change is an acceptable modification according to subparagraph A
- the conservation plan is modified to indicate the new practice or practices.

429 Modifying Approved Conservation Plan (Continued)

C C/S for Changing Practices (Continued)

--Exception:** COC or CED may approve C/S up to 50 percent of the eligible cost to**-- change CP1, CP2, or CP10 to CP25 only if **all** of the following requirements are met:

- the change of practices is requested, in writing, within 3 years of CRP-1 effective date
- the participants have **not** started the practice **before** approval of the change
- the practice and approved cover type, such as grasses, legumes, forbs, trees, other vegetative cover, and water:
  - are adaptable and suitable for the site and purpose of the practice
  - will **not** result in an excessive cost to establish, such as using nursery stock or exotic species
- the conservation plan is modified to indicate the new practice.

Important: The change in practices shall not change the CRP-1 length.

429 Modifying Approved Conservation Plan (Continued)

D C/S Not Allowed

--**COC or CED shall **not** approve C/S for:**--

- plastic mulch or supplemental irrigation water, except where CP5, CP5A, CP16, CP16A, CP17, CP17A, CP22, and CP25 (only if devoted to trees) will be established in areas where the average annual precipitation is 25 inches or less

- practices tailored to specifically enhance or change the commercial production of the land

- purchasing or establishing species of grasses, legumes, forbs, trees, or other vegetative cover that are not adaptable to the area.

430 Liability to Federal Government

A Personal Liability

As determined by CCC, the person with whom costs are shared is responsible to the Federal Government for any losses the Federal Government sustains because of either of the following:

- the person infringes on the rights of others
- the person does not comply with applicable laws or regulations.

431 Basic Requirements for Maintaining Easements

A Basic Requirements

CRP useful life easements **must** be maintained until easement expiration, which may be after CRP-1 expiration. If the participant fails to comply with easement provisions, including providing access to the easement area and establishing and maintaining the easement ***--**practice, COC or CED may:**--***

- enter the property to perform necessary work
- seek specific performance
- seek any other legal action as provided by law.

--Note:** COC or CED shall seek prior approval of STC. STC shall seek RA concurrence**-- before approving COC request.

B Limited Grazing

Limited grazing of the easement area may be allowed between CRP-1 expiration and easement expiration if grazing occurs after the producer harvests crops of the surrounding field, if this grazing is incidental.

432 Removing Easement

A Easement Expiration

County Offices shall compute date of easement expiration by adding the applicable number of additional easement years to the date the easement documents are filed.

Example: CRP-1 number 10 is a program year 1992 13-year contract for practice CP13B, which requires a 30-year easement. The easement documents were filed at the land records office on August 30, 1991. Although CRP-1 expires September 30, 2004, the easement will expire at 12 noon on August 30, 2021.

The landowner is responsible for removing the easement from the deed after the easement ***--**expires and written approval has been obtained from COC or CED. COC or CED shall**--*** **not** incur any expenses for removing the easement.

Note: Cropland shall be reclassified after CRP-1 expiration, which may be before easement expiration, according to 3-CM.

Landowners shall be notified that CRP-1 expiration does not terminate the easement on the land under CRP-1.

B Effect of CRP-1 Termination

Landowners shall be notified that CRP-1 termination does not terminate the easement on the land under CRP-1.

Reductions in payment assessed producers on CRP-1's containing easements shall be handled in the same manner as CRP-1's without easements, according to paragraph 571.

C Sale of Land Under Easement

The easement deed is not required to be refiled if the land under easement is sold, regardless of whether the new owner succeeds to CRP-1.

433-460 (Reserved)

Part 14 CRP Funds

*--461 Maximum Annual Non-C/S Payment Limitations

A Payment Limitation Attributed to Year Earned

The maximum annual non C/S payment limitation that an eligible person or entity can receive under CRP is $50,000 per FY based on the FY the payment is **earned**.

4-PL rules defining a person or legal entity apply to CRP contracts approved on or after October 1, 2008. 1-PL rules defining a "person" apply to CRP contracts approved before October 1, 2008.

This limitation does not apply to a State, political subdivision, or agency approved under a special enhancement program. Annual rental payments made to a State under a State CRP enhancement agreement shall be credited against the payment limitation of the producer who entered into the State CRP enhancement agreement with the State.

Important: State CRP enhancement agreements are **not** CREP agreements.

The Finality Rule does not apply to CRP annual rental or incentive payments. See paragraph 465.

B Calculating Maximum Annual Payment Limitations for Non-C/S Payments

The maximum annual non-C/S share payment a person or legal may receive is equal to the lesser of:

- (annual rental payments) + (CRP-SIP's) + (PIP's) + applicable CREP incentive payments
- $50,000.

When the sum of the (annual rental payments) + (CRP-SIP's) + (PIP's) + applicable CREP incentive payments exceeds $50,000, the:

- the payment shall be reduced to $50,000
- the amount exceeding $50,000 shall never be paid.**--***

Important: All incentive payments made by CCC under a CREP agreement shall be included when calculating the FY annual payment limitation. States with approved CREP agreements shall provide procedure for calculating applicable incentive payments and ensuring the FY annual payment limitation is not exceeded.

***--461 Maximum Annual Non-C/S Payment Limitation (Continued)**

C Attribution of Payments to Year Earned

Payments are attributed based on the year the payment is **earned**.

For payment limitation purposes, a payment is attributed for:

- the annual rental payment in the FY program performance occurs
- CRP-SIP in FY COC approves CRP-1
- PIP in FY the participant completes the practice, as evidenced by the producer's signature date on AD-245.

Example 1: A producer's CRP-1 continuous contract (300 acres at $90 per acre annual payment for 10 years) is approved on September 1, 2013. The contract becomes effective on October 1, 2013. The first annual payment is due October 2014. SIP is $30,000. CRP-PIP is $40,000.

For payment limitation purposes, a payment is attributed for:

- the annual rental payment in FY 2014 (performance occurs in FY 2014)
- CRP-SIP in FY 2013 (the year the contract is approved)
- PIP in FY 2015 (assuming the practice is completed in FY 2015).

Note: This means for payment limitation purposes, the CRP-SIP is attributed to FY 2013, the first annual rental payment is attributed to FY 2014, and the CRP-PIP is attributed to FY 2015.

Event	Date	Fiscal Year		Pay Limit Year		
		Issued	Earned	2013	2014	2015
Contract Approved	September 1, 2013					
SIP Payment Issued	October 20, 2013	2014	2013	$30,000		
1st Annual Rental	October 1, 2014	2015	2014		$27,000	
Practice Completed/PIP Payment Issued	January 15, 2015	2015	2015			$24,000
2nd Annual Rental	October 1, 2015	2016	2015			$27,000
Total Paid				$30,000	$27,000	$50,000
Total Reductions due to Payment Limitation				$0	$0	$1,000 on Annual Rental

Note: $27,000 in annual rental payments is attributed in subsequent FY's for the remaining 8 payments.--*****

461 Maximum Annual Non-C/S Payment Limitation (Continued)

D Successor-in-Interest CRP-1's

Following are ways payment limitation provisions apply when CRP-1 is revised because of successor-in-interest.

- The revised CRP-1 amount cannot exceed the annual contract payment CRP-1 amount.

- The annual payment on CRP-1 shall be reduced for the successor on the revised CRP-1 if the maximum payment limitation will be exceeded.

  Note: CRP payments may continue to heirs of owners according to 1-PL or 4-PL as applicable. See paragraph 555 for succession-in-interest provisions.

* * *

462 Making CRP Payments

A Rounding CRP Payments

Each of the following CRP payments shall be rounded to the nearest whole dollar using normal rules of rounding:

- annual rental payments
- CRP-SIP
- PIP
- CP23 one-time WRI payment for CRP-1's approved before November 3, 2008
- C/S payments.

B Annual Rental Payments

Provided the participant is in compliance with the terms and conditions of CRP-1, disburse annual rental payments as designated on CRP-1.

CRP annual rental payments shall be made, when authorized:

- after:
  - certification of compliance has been received
  - certification of compliance with adjusted gross income limitation has been received according to 1-PL or 4-PL, as applicable
  - AD-1026 has been completed and signed
  - certification of compliance with 1-PL or 4-PL, as applicable, when applicable
  - October 1, for each effective year
  - receiving notice from DAFP authorizing payments to be made

  Note: CRP annual rental payments shall **not** be made until all eligibility determinations have been made according to 1-PL or 4-PL, as applicable.

  * * *

- according to 1-FI and 1-CRP.

Note: See paragraph 465 for finality rule.

462 Making CRP Payments (Continued)

C CRP-SIP

CRP-SIP is a one-time incentive payment made to participants that enroll certain practices under continuous signup provisions. See paragraph 197.

Provided the participant is in compliance with the terms and conditions of CRP-1, disburse CRP-SIP's according to the shares on approved CRP-1.

CRP-SIP's shall be made, when authorized:

- after:
  - CRP-1 is approved
  - certification of compliance with adjusted gross income limitation has been received according to 1-PL or 4-PL, as applicable
  - AD-1026 has been completed and signed
  - certification of compliance with 1-PL or 4-PL, as applicable

  Note: CRP-SIP's shall **not** be made until all eligibility determinations have been made according to 1-PL or 4-PL, as applicable.

- according to 1-FI *** * ***.

Note: See paragraph 465 for finality rule.

462 Making CRP Payments (Continued)

D PIP

PIP is a one-time incentive payment made to participants that enroll land in CRP to be devoted to continuous signup practices. See paragraph 197.

Provided the participant is in compliance with the terms and conditions of CRP-1, disburse PIP's according to the shares on approved CRP-1.

PIP's shall be made, when authorized:

- after:
  - CRP-1 is approved
  - certification of compliance with adjusted gross income limitation has been received according to 1-PL or 4-PL, as applicable
  - AD-1026 has been completed and signed
  - participant signs AD-245, page 2, and reports completion of practice
  - NRCS or TSP certifies performance on AD-862
  - all necessary documents to calculate total C/S amount are obtained
  - certification of compliance with 1-PL or 4-PL, as applicable
  - partial PIP's are not authorized

    Note: PIP's shall **not** be made until all eligibility determinations have been made according to 1-PL or 4-PL, as applicable.
- according to 1-FI *** * ***.

Note: See paragraph 465 for finality rule.

462 Making CRP Payments (Continued)

E CP23 and CP23A One-Time WRI Payment for CRP-1's Approved Before November 3, 2008

CP23 and CP23A one-time WRI payment is an incentive payment to encourage the restoration of cropped wetlands. See Exhibit 11.

Provided the participant is in compliance with the terms and conditions of CRP-1, disburse CP23 and CP23A one-time WRI payment according to the shares on approved CRP-1 only for CRP-1's approved before November 3, 2008.

Exception: Payments for CREP CRP-1 participants must adhere to the written CREP agreements. Changes made in PIP/SIP/WRI for CRP's general and continuous signup do not automatically apply to CREP's unless those agreements indicate that these payments shall be made "according to 2-CRP" or "consistent with National CRP directives" or similarly worded reference. CREP agreements which include specific payment provisions such as "25% WRI hydrology restoration payments shall be paid for practices CP23 and CP23A" must be adhered to as written.

CP23 and CP23A one-time WRI payment shall be made, when authorized:

- after:
  - CRP-1 is approved
  - certification of compliance with adjusted gross income limitation has been received according to 1-PL or 4-PL, as applicable
  - AD-1026 has been completed and signed
  - participant signs AD-245, page 2, and reports completion of practice
  - technical agency certifies performance on AD-862
  - all necessary documents to calculate total C/S amount are obtained
  - certification of compliance with 1-PL or 4-PL, as applicable

  Note: CP23 and CP23A one-time WRI payments shall **not** be made until all eligibility determinations have been made according to 1-PL or 4-PL, as applicable.

- according to 1-FI *** * ***.

Note: See paragraph 465 for finality rule.

462 Making CRP Payments (Continued)

F Prompt Payment

CRP participants who are issued CRP payments more than 30 calendar days after payments are authorized shall receive interest under the Prompt Payment Act according to 61-FI. See 50-FI for prompt payment interest rates.

463 Dividing Payments Among Participants for Successor-in-Interest CRP-1's

A CRP Rental Payments

Earned CRP annual rental payments **shall** be paid according to the division of shares agreed to by the participants on CRP-1.

B Dividing CRP Payments Among Predecessor and Successor Participants

Annual rental payments shall be divided between predecessors and eligible successors as agreed to among the participants if both of the following are met:

- COC determines there is no scheme and device to defeat or circumvent the purpose of any program provision, including payment limitation and permitted entity provisions
- eligible successors-in-interest sign a revised CRP-1 within 60 calendar days of notification by COC or CED.

If there is no agreement among predecessors and eligible successors, annual rental payments shall be divided based on the earlier of the date the:

- deed is recorded on the land records
- successor acquired right of occupancy, through foreclosure proceedings, of the land under CRP-1.

Note: This provision only applies to land acquired through foreclosure proceedings. See paragraph 555 for succession-in-interest provisions.

463 Dividing Payments Among Participants for Successor-in-Interest CRP-1's (Continued)

B CRP Rental Payments for Succession-in-Interest (Continued)

CRP participants shall be responsible for either:

- refunding any payments that may become due if CRP-1 is not assumed
- ensuring that the successor-in-interest agrees to and signs, if applicable, the version of CRP-1 Appendix in effect when the preceding CRP-1 was signed.

If acreage under CRP-1 is sold to a successor and the successor sells the acreage before the County Office becomes aware of the initial sale, the newest owner may be allowed to succeed to CRP-1.

Note: If the original owner received payments earned after the sale of the land, refunds of that amount, plus interest, shall be collected from the original owner. Issue applicable payments to new owner.

If a successor terminates CRP-1 and the predecessor has earned part of the annual rental payment, the successor shall be responsible for refunds, including the amount earned by the predecessor.

Note: Ensure that the payment is issued to the predecessor even though CRP-1 is terminated. No interest will be paid.

When dividing CRP annual rental payments between previous owners and new owners, select all participants for special payment processing according to 1-CRP, paragraph 355.

464 Recording Payments

A Forms to Use

Record payments according to the following.

Form	Payment
AD-245	Record C/S payments.
FSA-695	Record annual rental payments. • See Exhibit 36. • File FSA-695 according to 25-AS. **Note:** Using FSA-695 is optional.

See 1-FI for signature, mailing, and filing requirements for Disbursement Transaction Statements.

465 Refunds, Offsets, and Assignments

A Preparing Payments

Use the following handbooks and procedures to process refunds, offsets, assignments, and joint payments:

- for refunds, see 3-FI
- for offsets, see 1-FI and 6-FI
- *--for receivables, see 64-FI--*
- for claims, see 58-FI and 64-FI
- for assignments:
  - prepare CCC-36 according to 63-FI
  - assign only cash payments
- for joint payments, prepare CCC-37 according to 63-FI.

B Finality Rule

The Finality Rule does **not** apply to any of the following CRP payments:

- annual rental payments
- CRP-SIP's
- PIP's
- CP23 and CP23A one-time incentive payments for CRP-1's approved before November 3, 2008.

C Assigning CRP Cash Payments

CRP cash payments may be assigned to secure or pay pre-existing debts.

Prepare CCC-36 and determine priority for honoring assignments according to 63-FI.

466 Nonresident Alien Income Tax

A Withholding Nonresident Alien Income Tax

If nonresident alien income tax is to be withheld:

- see 62-FI
- prepare and distribute IRS-1042 and IRS-1042S.

467 Debts and Collections

A CCC Receivables

Debts arising under CRP become CCC receivables and receipts.

B Late Payment Interest

These debts are subject to late payment interest charges. See 58-FI.

468 Paying Amounts Due Persons Who Are Dead, Missing, or Incompetent

A Preparing FSA-325

If a participant has earned a payment, including a C/S payment, but is dead, missing, or incompetent, prepare FSA-325 according to 1-FI and 1-CM.

Payment shall be made to the representative of the participant according to FSA-325.

When CRP-1 is terminated, the deceased, missing, or incompetent shall earn payment through the date of death, loss, or declaration of incompetency.

B Who Succeeds to CRP-1

For CRP purposes, the administrator of an estate or heirs of the deceased have the following choices:

- agree to become successor-in-interest to CRP-1
- refuse to become successor-in-interest. COC shall terminate CRP-1 according to paragraph 571.

Note: Operator may only be replaced if the operator or tenant voluntarily relinquishes his or her rights, in writing, or is no longer considered an eligible participant. See paragraph 546.

469 Charging Interest

A Interest on Refunds

Use the rate of interest CCC is required to pay for borrowing from the Department of the Treasury on the date payment was issued. See 50-FI.

*** * ***

B Date Interest Accrues

Interest accrues from the date of disbursement to the earlier of the following:

- date of repayment
- date of first delinquency letter.

Note: See 58-FI for an example of a delinquency letter.

C Establishing Receivables

Establish a receivable according to 58-FI.

470 Effects of CRP Annual Payment on Earned Income

A Not Advising About Earned Income

County Offices shall not advise CRP participants on whether CRP payments should be considered as “earned income” for IRS and Social Security purposes.

B Referring Participants to Tax Consultant or SSA

County Offices shall refer CRP participants to their tax consultant or SSA for determinations about CRP annual payments as earned income.

471-490 (Reserved)

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Part 15 C/S Policies

491 General C/S Policy

A Participants Eligible for C/S Payments

CRP C/S shall be paid only to participants who:

- are a signatory to CRP-1
- established the conservation practice.

See paragraph 519.

Note: Authorized payments may be assigned by the participants.

B C/S Level

Participants who elect to receive other Federal C/S assistance are obligated to refund CRP C/S payments, plus interest.

C/S assistance shall not exceed 50 percent of the eligible costs of establishing the approved practice. Participants may receive C/S assistance from non-Federal sources; however, under no circumstances may the total C/S amount received exceed 100 percent of the cost of the practice.

C/S assistance to establish permanent vegetative cover on CRP land for the sum of the acres for CP1, CP2, CP3, CP3A, CP4B, CP4D, CP18B, and CP18C divided by the acres in CRP-1, **shall not exceed** 50 percent of the price per acre at which the land placed in CRP could be sold for use as farmland at the time at which CRP-1 is signed by the producer.

Exception: Acreage devoted to CP1 for development of a permanent water source for ***--**wildlife implemented on acreage offered as CP10 before March 14, 2011.**--*** See Exhibit 11, page 39.

Use the most recent NASS survey.

491 General C/S Policy (Continued)

C C/S Funds Authorized on CRP Acres

Acreage on which CRP C/S has been paid is not eligible for other Federal C/S during the term of the CRP contract unless approved by DAFP. This does not apply to Federal funding that is not Federal C/S funding. Requests shall be submitted to DAFP on a case-by-case basis for only the most highly meritorious cases as determined by STC.

Example: A participant with an approved contract receives assistance other than cash from FWS Partners for Wildlife program. These services are not considered C/S assistance. FWS provides the participant documentation indicating the value of their service is $2,500. The participant also receives C/S equaling $1,500 from a private conservation organization. The participant has other expenses related to the practice that are eligible for C/S, according to Exhibit 11, and equal to $6,000. Since the participant did not receive C/S from FWS, the participant may receive CRP C/S assistance.

The total practice establishment cost, considering all contributions, is $10,000. The participant may receive $5,000 in C/S assistance from FSA because this amount is less than the participant's out-of-pocket costs.

Note: Participants who receive ECP payments during the term of the CRP contract on the same land for which they received CRP C/S payments are ineligible to retain CRP C/S unless approved by DAFP on a case-by-case basis. Approval of ECP funds by DAFP does not automatically waive this requirement. Restoration of re-enrolled CRP acreage where no C/S was paid under the existing contract should be C/S'd under CRP.

*** * ***

CRP participants may receive C/S funding from non-Federal sources to install conservation practices on CRP acreage. See paragraph 517.

Note: Practices shall only be approved if they are according to an approved conservation plan on CRP acreage.

D C/S Not Authorized

C/S is not authorized for:

- hand-collected seed, except when producer provides verification of PLS factor, germination, quality of seed, amount planted, and types and varieties of seed and seed mixtures

- acreage not under CRP-1

491 General C/S Policy (Continued)

D C/S Not Authorized (Continued)

- streambank stabilization

- CP12

- *--CP11, except for tree thinning within open areas for contracts approved before March 14, 2011--*

  Note: See Exhibit 11.

- splitting practices on the same land for C/S purposes between different Federal programs

- establishing required practice on CRP if any other Federal C/S has been, or is being, made to establish that practice

- drilling wells

  Exception: C/S may be authorized for establishing drilled wells on filterstrips and riparian buffers, if needed.

- developing water facilities

  Exceptions: C/S may be authorized for establishing:

  - livestock water facilities outside filterstrips and riparian buffers, if needed

    Note: See paragraph 511.

  - a permanent water source for wildlife, when developed on certain acreage enrolled in CRP and according to a conservation plan. See Exhibit 11.

- installing irrigation systems

- improving or reorganizing existing irrigation systems

- purchasing and planting vegetative cover for certain practices exceeding 50 percent of the agricultural market value of the land

  Note: See subparagraph B.

491 General C/S Policy (Continued)

D C/S Not Authorized (Continued)

- fencing CRP land

  Exception: C/S may be authorized for fencing around filterstrips and riparian buffers.

- re-establishing practice because of damage from emergency haying or grazing

- establishing practices for unacceptable offers

- practice not meeting specifications

- practices not included in the approved conservation plan

- plastic mulch or supplemental irrigation water, except where CP5, CP5A, CP16, CP16A, CP17, CP17A, CP22, and CP25 (only if devoted to trees) will be established in areas where the average annual precipitation is 25 inches or less

- tree shelters, netting, plastic tubes, or other animal damage control devices, except in ***--**areas designated by STC for use only on CP3A, CP5A, CP16A, CP22, CP23, CP27, CP28, CP30, CP39, CP40, or CP41**--***

  Notes: C/S is not approved for such devices for other practices.

  See paragraph 31 and Exhibit 11.

- re-enrolled practices.

  Exception: C/S is authorized **only** if additional work/activity is required for the practice to meet current practice standards according to paragraph 366 and Exhibit 11. C/S is **not** otherwise authorized for re-enrollments.

491 General C/S Policy (Continued)

D C/S Not Authorized (Continued)

Example: Expiring CRP-1 with practice CP8A is re-offered as practice CP8A. A site visit reveals CRP-1 is in compliance according to contractual requirements. NRCS or TSP noted that normal degradation has occurred that requires grading and shaping and subsequent re-seeding to meet current CP8A ***--**standards with a total estimated cost of $2,000. COC or CED may approve**--***
CRP-1 and 50 percent eligible C/S of approximately $1,000 according to procedure.

Example: Producer re-offers expiring acreage as a continuous signup practice. The practice is in compliance and is determined as meeting current practice standards. The producer requests to revise the conservation plan and add a 5 species seeding mix as an interseeding or re-seeding to provide enhanced ***--**wildlife habitat benefits. COC or CED may approve CRP-1 and conservation plan; however, since the existing practice and vegetative cover meets procedural standards, COC or CED shall **not** approve CRP-1 that includes**--***
C/S.

492 C/S for Post-Emergence Weed and Insect Control

A Authorizing C/S

C/S may be authorized for 1 weed and/or insect control application if:

- ***--**COC or CED determines it is necessary for successful establishment of the cover and**--***
  it is included as part of the approved conservation plan

- it is applied within the first 12 months after planting or seeding the cover

  Exception: See subparagraph B.

- it will not disturb the cover during the primary nesting or brood rearing season.

  Note: This is in addition to any application that may have been applied when the cover was initially installed.

B Exceptions to Establishment Period for CRP-1's

Participants who plant **CP3, CP3A, CP4B, CP4D, CP5A, CP16A, CP17A, CP22, CP23, CP25, CP27, or CP28** devoted to tree plantings, on acres offered may receive C/S:

- for 1 weed and/or insect control application
- within 24 months after the planting
- if:

  - ***--**COC or CED determines it is necessary for successful establishment of the cover**--***
    - it was included as part of the approved conservation plan
    - it will not disturb the cover during the primary nesting or brood rearing season.

Example 1: Producer planted 10 acres of CP3, Tree Planting. The conservation plan required a chemical site preparation, pre-application herbicide, and a post-emergence weed control to be applied within 12 months of planting. C/S for the post-emergence weed control is eligible.

Example 2: Producer planted 10 acres of CP3, Tree Planting. The conservation plan required a chemical site preparation, pre-application herbicide, and a post-emergence weed control to be applied within 12 months of planting. C/S for the post-emergence weed control is eligible. Eighteen months after planting, NRCS or TSP recommended an additional post-emergence weed control be performed. The additional weed control measures are not eligible for C/S since the producer has received C/S for a post-emergence weed control. The additional weed control measure is considered maintenance.

493 C/S for Establishing Approved Cover

A When to Start CRP Practice

Producers shall be advised that:

- approved CRP practices may be started:
  - after submitting the offer to the County Office
  - when notified that CRP-1 has been approved
- starting a practice before final approval of CRP-1 is at the producer's own risk
- where practical State-certified seed shall be used for CRP

  Note: However, common seeds, especially for natives, may be used when certified seed is **not** available.
- C/S payments are ineligible if:
  - offer is not accepted
  - designated acres are ineligible
  - practice does not meet specifications
  - practice is not included in the approved conservation plan.

    Note: See paragraph 429 for C/S when modifying approved conservation plan.

B C/S for Re-Establishment

If the practice failed because of a natural disaster or through no fault of the participants, COC shall evaluate the site to determine both of the following:

- the purpose of the practice is being met
- remaining cover provides the same environmental benefits as the original cover, which includes:
  - water quality benefits
  - wildlife habitat benefits
  - erosion control.

If both criteria are met, COC shall not authorize C/S for re-establishment.

493 C/S for Establishing Approved Cover (Continued)

B C/S for Re-Establishment (Continued)

If both criteria are not being met, COC shall determine whether the cost of restoring the approved cover outweighs the benefits that would be received from the restoration. COC's shall, at a minimum, consider all of the following:

- cost of restoring cover
- length of time needed to restore the cover
- benefits received from restored cover
- years remaining before CRP-1 expires
- type of cover to be restored.

If the cost of restoring the approved cover outweighs the benefits that would be received from the restoration, COC shall terminate CRP-1. See paragraph 571.

If the benefits that would be received from the restoration outweighs the cost of restoring the approved cover, COC shall authorize eligible C/S for:

- re-establishing the approved cover
- temporary cover, if needed
- dead litter crop, if needed.

Note: For land devoted to CP3 or CP3A for which the participant received C/S or an easement practice, additional C/S shall be authorized.

C C/S for Dry Litter Crops

CRP participants may receive C/S for dry litter crops needed to establish vegetative cover if the crops are:

- **not** grazed or harvested
- ***--**included in practice specifications developed by COC or CED**--***
- included in the approved conservation plan.

494 Establishing C/S Rates

A Eligible Items

Items eligible to establish C/S rates include the cost of any direct and significant factors necessary to perform the practice, such as:

- equipment
- new or used materials
- services
- labor
- sales tax.

B Estimated Costs

Estimated costs of eligible items may be based on:

- ***--**STC, COC, or CED, as applicable, knowledge and judgment of anticipated costs**--***
- current cost data from:
  - application for payment
  - vendor and dealer cost quotations or advertised prices
  - estimates from COC, NRCS, FS, and other agencies

    Note: Keep copy of estimates.
  - other available sources.

494 Establishing C/S Rates (Continued)

C Ineligible Items

The cost of the following items are ineligible for establishing C/S rates:

- engineering charges, consultant fees, permit fees, or archeological surveys

  Note: Archeological surveys will be paid for by CCC according to 1-EQ.

- providing land
- other C/S payments
- right to use water
- incentives
- power sources, including but not limited to electrical or solar fence charges and obtaining utility service generator
- portable equipment
- donated material
- meeting supplemental requirements, such as abstaining from harvesting
- loss of or reduction in revenue from the land
- cost of pumps and pumping accessories, except for permanently installed pumps that are needed as an integral part of the practice.

Note: One or more of these items may be required to make the practice serve its purpose, but these items may not be used to establish C/S rates.

D Arbitrary Holddowns

--**STC, COC, and CED shall ensure that arbitrary holddowns are not used when establishing**-- C/S rates and limitations.

494 Establishing C/S Rates (Continued)

E Flat Rates

Flat C/S rates may be established:

- to simplify administration
- to provide a firm, predetermined commitment to applicants
- when documented costs are relatively uniform
- to provide incentive to producers to obtain the best price available.

Note: See paragraphs 495 and 497.

495 State Program and C/S Policy

A Overview

STC's are authorized to develop a State program and C/S policy based on guidelines established in this handbook, in consultation with the State Technical Committee.

B State Practice Requirements and Specifications

The State CRP practice requirements and specifications shall:

- be incorporated by reference to a standard publication
- be included in the State program
- not be less restrictive than National policy and be incorporated in a State amendment according to 1-AS
- not require performance beyond that which is needed to ensure that the practice functions properly.

Maximum and minimum specifications shall be included only if practice is **included** in the State program.

C Additional Requirements

STC, in consultation with the State Technical Committee, is responsible for developing additional CRP practice requirements and specifications to ensure that natural resource problems are solved.

D Materials and Standards

The standards for materials or services to perform CRP practices shall be included or referred to in the cover practice writeup.

495 State Program and C/S Policy (Continued)

E Establishing Rates for State CRP

STC's that establish C/S rates for the State shall establish rates within the National C/S levels, expressed as either a:

- flat rate
- percent of cost, not to exceed $ ___ per unit of measure
- percent of cost.

Notes: Base flat rate or limitations on documented average costs.

Do not use arbitrary holddowns.

Use percent of cost levels only if there is no data or there is considerable variation in actual cost of practices across the State.

F Reviewing and Approving County C/S Rates

STC's that do not establish C/S rates for the State may authorize COC's to establish C/S rates for the county.

STC shall establish State guidelines for COC's to follow when establishing county C/S rates.

STC, or representative, shall review and approve all C/S rates established by COC to ensure that:

- C/S rates are consistent across county boundaries

- C/S rates are consistent across district and State boundaries

  Important: State Office shall **not** delegate this responsibility.

- C/S rates established are within the National and State C/S levels, if applicable

- all flat C/S rates established represent the applicable percentage of cost specified

- cost estimates used by COC's to establish flat C/S rates are accurate and acceptable

- C/S rates are set at the minimum incentive needed to encourage producer participation and implement the approved practice.

495 State Program and C/S Policy (Continued)

F Reviewing and Approving County C/S Rates (Continued)

If discrepancies exist across county boundaries or between county practice specifications and State and National guidelines, STC's shall not approve COC's C/S rates until the problem is resolved.

STC, or representative, shall notify COC in writing when C/S rates are approved. COC shall document approval in COC minutes.

496 Establishing Standardized Components

A State-Developed Components

State Offices shall establish and maintain a list of standardized components applicable for practices under CRP to be used within the State.

- Components shall represent different items that are required as part of a practice.

  Examples: Materials, seed types, seed mixtures, tree types, labor, etc.

- The State Office shall develop the coding system. See subparagraph B.

Note: Components shall be established in the automated system according to 1-CONSV, Part 2.

496 Establishing Standardized Components (Continued)

B Coding System

State Offices may use 1 of the following options to develop standardized components.

Note: State Offices may establish a different method of developing standardized components if the results are the same as either of the following options.

Option 1	
Develop a coding system that will provide County Offices with a structured system that allows an additional character to be added for specific County Office components associated to the State-developed component.	
Office Level	**Example of Standardized Component**
Example of State component	EW Earthwork
Example of County Office-specific components	EW1 Earthwork - Heavy Equipment EW2 Earthwork - Light Equipment

Option 2	
Develop a coding system that will provide for every component needed for the State. County Offices will not be able to add characters to the State-developed codes.	
Office Level	**Example of Standardized Component**
Example of State-developed components	TC1 Temp Cover Tractor/Drill TC2 Temp Cover Seedbed Prep/Tractor/Drill TC3 Temp Cover Disc/Seedbed Prep/Tractor/Drill
Example of County Office-specific components	With this option, the County Office shall: • not develop County-specific components • use the State-developed components that apply to the county.

497 County Program and C/S Policy

A Establishing Rates

COC's are authorized to establish county C/S rates:

- if authorized by STC
- according to State and National guidelines
- with NRCS concurrence.

COC's that establish C/S rates for the county shall establish rates within the State and National C/S levels, expressed as 1 of the following:

- flat rate
- percent of cost, not to exceed $ ___ per unit of measure
- percent of cost.

B County Practice Requirements and Specifications

COC shall include all CRP practice provisions, requirements, and specifications issued in the State program.

The County CRP practice requirements and specifications shall:

- be incorporated by reference to a standard publication

- not be less restrictive than State or National policy

- not require performance beyond that which is needed to ensure that the practice functions properly

- be recorded in a County Office handbook or in some other manner

  Note: Include the following information:

  - list of practices
  - approved C/S rates
  - reference to the general provisions in the State guidelines.

- not be effective until approved by STC according to subparagraph C.

Maximum and minimum specifications shall be included only if practice is included in the County program.

497 County Program and C/S Policy (Continued)

C STC Approval

STC, or designee, shall ensure that the requirements, specifications, and C/S rates established by COC are consistent across county boundaries before approval.

STC shall ensure that **all** C/S rates established by COC are consistent across district and State boundaries.

Important: STC shall **not** delegate this responsibility.

D Establishing Flat C/S Rates

Flat C/S rates established by COC shall apply to the entire county. Variations of flat C/S rates within a county are not authorized.

Express flat C/S rates as follows:

- $ ____ per acre
- other unit of measure, such as cubic yard, linear foot, ton, or pound.

Note: Base flat rates or limitations on documented average costs. Do not use arbitrary holddowns. Use percent of cost levels only if there is no data or there is considerable variation in actual cost of practices across the county.

E Supporting Data for Flat C/S Rates

COC shall:

- use existing FSA and NRCS average cost lists as supporting data to establish flat C/S rates

- if average C/S rates are not established, base flat rates on current data from:

  - NASS
  - ***--**NIFA through the State Extension service**--***
  - applications for payment
  - quotations from dealers or contractors
  - other available sources.

497 County Program and C/S Policy (Continued)

E Supporting Data for Flat C/S Rates (Continued)

File the cost data used to establish flat rates with the County eligibility status list.

Note: Supporting evidence and proof of payment for completed practices paid on a flat rate method are not required to be maintained by the producer for 1 year.

F Adjusting Previously Established Flat C/S Rates and Documentation

COC's shall **not** increase or reduce flat C/S rates or limitations based on isolated changes in costs during the FY.

If the average cost of performance:

- changes substantially during FY, COC's shall revise the rate
- decreases so the rate is materially greater than the established State or National level, COC's shall reduce the rate.

COC's shall:

- document the reason or basis for any changes to C/S rates in COC minutes
- amend county CRP C/S data indicating the revised rates.

C/S earned shall be computed based on the average cost of carrying out the practice, as determined by COC using rates in effect when C/S is approved on AD-245.

Exception: When the average cost of performance changes substantially for reasons ***--**beyond the producer's control, COC or CED may compute C/S based on**--*** the average cost of carrying out the practice using the rates in effect when the practice is performed. These exceptions shall be documented in COC minutes.

Note: AD-245, page 2, shall not be approved until CRP-1 is approved.

497 County Program and C/S Policy (Continued)

G Percentage-of-Cost Not to Exceed C/S Rates

COC may use percentage-of-cost not to exceed $ ____ per unit of measure C/S rates if either of the following applies:

- there is no available cost data
- there is a considerable variation in the actual cost of performing a practice.

Express percentage-of-cost C/S rates as "____ percent of cost, not to exceed $ ____ per unit of measure". Base the limitation on the average cost of performing the unit of measure.

File the cost data used to establish percent-of-cost not to exceed $____ per unit of measure rates with the County eligibility status list.

--**COC or CED shall inform the producer that supporting evidence and proof of payment for**--
completed practices paid on a percent of cost not to exceed method **must** be:

- maintained for 1 year after the end of FY in which the practice is completed
- presented within 30 calendar days to the County Office if selected for spot check.

497 County Program and C/S Policy (Continued)

H Percent-of-Cost C/S Rates

COC may use percent-of-cost C/S rates if either of the following applies:

- there is no available data
- there is a considerable variation in the actual cost of performing a practice.

Express percent-of-cost C/S rates as "____ percent-of-cost per unit of measure".

File the cost data used to establish percent-of-cost rates with the County Office eligibility status list.

--**COC or CED shall inform the producer that supporting evidence or proof of payment for**--
completed practices paid on a percent-of-cost method **must** be:

- maintained for 1 year after the end of FY in which the practice is completed
- presented within 30 calendar days to the County Office if selected for spot check.

497 County Program and C/S Policy (Continued)

I Acceptable Evidence

--**COC or CED shall obtain evidence to determine proper payment to eligible participants.**--
This may include, but is not limited to:

- invoices
- canceled checks
- receipts
- analysis tags
- other acceptable evidence to determine payment.

Note: Evidence **must** be obtained regardless of whether flat rates or percent-of-cost method was used to determine the C/S payment.

See paragraph:

- 519 for making C/S payments
- 513 for supporting evidence.

J Spot Check of Support Data and Proof of Payment

--**COC or CED shall randomly spot-check a minimum of 5 percent of the participants**--
whose C/S payments for completed practices were made in the previous FY and whose payments, in total or in part, were determined by the percent of cost method. C/S payments computed solely on a flat-rate basis shall not be subject to this provision.

498 Amending County CRP Practices

A Changes in Practices

--**For county CRP changes, COC or CED shall:**--

- develop County CRP amendments
- submit the amendments to STC for review and approval.

--**NRCS, NIFA, through the State Extension service, and FS, through the State Forestry**-- agency, **must** approve technical changes.

Send questionable cases to STC. STC shall contact other agencies to help resolve the issue.

B Effective Date of Changes

A CRP amendment that changes C/S rates or specifications shall specify the effective date, which shall not be retroactive.

Exception: When the average cost of performance changes substantially for reasons ***--**beyond the producer's control, COC or CED may compute C/S based on**--*** the average cost of carrying out the practice using the rates in effect when the practice is performed. These exceptions shall be documented in COC minutes.

Rates and specifications in effect before an amendment's effective date shall remain in effect for C/S approvals issued before that date.

Use the revised rates and specifications for all approvals issued on or after the amendment's effective date.

499 Issuing and Processing AD-245's and AD-862's

A Approval

When CRP-1 is approved, the practices scheduled on the approved conservation plan are automatically approved.

--**By approving CRP-1, COC or CED is committing funds for completing the practices.**--

B Issuing AD-245

Process initial AD-245 for all practices, C/S, non-C/S, and management activities, immediately after approving CRP-1.

Issue AD-245, page 2 for **all** practices on CRP-1 immediately after receiving AD-862 information from NRCS or TSP. See paragraphs 500 and 501.

AD-245 and AD-862 shall serve as a:

- reminder of approval
- report of performance
- claim for payment.

C Processing Instruction

Process AD-245 according to 1-CONSV.

Note: AD-245, page 2, shall not be approved before CRP-1 is approved.

500 Completing and Referring AD-862

A Implementing Procedure

After approving CRP-1's, the applicable agency shall complete the following steps.

Step	Action
1	FSA enters information and prints AD-862 according to 1-CONSV.
2	FSA refers AD-862 to NRCS or TSP according to paragraph 508 and 1-CONSV. Include all practices for CRP-1. ***--Example:** CP2 and CP12.**--***
3	Applicable technical agency completes required AD-862 information and returns to FSA.
4	FSA completes AD-862 according to 1-CONSV.

Note: Manual AD-862's are not authorized.

501 Notifying Applicant of C/S Approval

A Notifying Producers

Notify the producer of the practice extent and approved C/S according to 1-CONSV, paragraph 165.

Note: AD-245, page 1 may be printed and maintained on file. If AD-245, page 1 is printed, County Offices may request the producer's signature; however, the producer's signature is not required.

502 Extending Time to Complete Practices

A Extension of Time

--COC or CED may extend the time to complete a practice, not to exceed 12 months after the completion date in the approved conservation plan, if the extension is requested before the practice approval expires. See paragraph 426 for COC or CED authority for extensions of-- time to complete a practice.

B Expiration Notice

Prepare a computer-generated List of AD-245's Expiring in 30 Days every 30 calendar days to keep track of approvals that need to be completed within a 30-day period.

Mail all participants on the list an expiration notice.

Note: See 1-CONSV, paragraphs 292 and 328.

C Justifying Extensions

An extension of time may be based on NRCS' or TSP's advice that the practice is being or will be performed in a timely manner.

--COC or CED shall limit the extension to the minimum time necessary to complete the-- practice.

D Documenting Extensions in COC Minutes

Document extensions of time individually in COC minutes and, at a minimum, include the following:

- producer or agent
- FSN or control number
- practice
- reason for extension.

E Notification of Extension

--COC or CED shall notify the producer in writing whether an extension has been authorized. If an extension is authorized, COC or CED shall also notify the producer of the new-- practice expiration date.

503 Canceling Approvals

A Canceling Approved AD-245

Cancel an approved AD-245 when the performance report is not filed by the expiration date. ***--**When AD-245 is canceled, COC or CED shall:**--***

- notify NRCS or TSP
- document the action taken on AD-245
- notify the participant of the action taken, including possible termination of CRP-1

  Note: Failure to complete the practice shall result in termination of CRP-1.

- document the cancellation in COC minutes.

B Suspending Cancellation

If a performance report on AD-245, page 2, is not filed timely, cancellation may be suspended if the County Office is aware that the practice was performed in a timely manner.

- Certification of performance on AD-862 and personal knowledge of a committee member or County Office employee are acceptable reasons for suspending cancellations.
- Take immediate action to obtain the performance report.

  Note: If the performance report from the producer is not obtained within 30 calendar days, cancel the approval.

504 Reinstating Canceled Approvals

A Conditions to Reinstate Canceled Approvals

***--**COC or CED may reinstate a canceled practice approval when **all** of these conditions apply:

- the participant requests reinstatement
- the practice was started before cancellation
- the practice was or will be completed within a time prescribed by COC or CED.**--***

Important: Replacement AD-245 and AD-862 will need to be created in the automated system, because once canceled, they cannot be reinstated for long-term programs.

505 Filing Performance Reports

A Who May File

Any eligible "person" according to 1-PL or person or legal entity according to 4-PL who paid a part of the cost of a completed practice and is signatory on CRP-1, may sign and date the performance report. See 1-CM for provisions applying to minors and dead, missing, or incompetent persons.

B Performance Reports

To be eligible for C/S payments, "persons" according to 1-PL or person or legal entity according to 4-PL who perform approved practices **must** report performance on AD-245, page 2, and provide any required supporting data by the practice completion date.

If the practice or component is not completed, the producer shall not sign AD-245, page 2. County Offices shall date stamp reports when received.

506 Reporting Dates for Performance

A Final Date to Report Performance

Performance **must** be reported on or before the expiration date or by the authorized extension ***--**date granted by COC or CED. See paragraph 502.**--***

B Filing in Timely Manner

AD-245, page 2, is filed in a timely manner when it is delivered to the County Office or is postmarked on or before the expiration date.

C Not Filing in Timely Manner

For reports not filed in a timely manner enter either of the following on AD-245, page 2:

- date received and initial the entry
- postmarked date and initial the entry.

Cancel AD-245 and notify the participant with appeal rights.

Note: A replacement AD-245 shall be created for AD-245 that was canceled because the performance report was not filed in a timely manner, if provisions in paragraph 503 are satisfied.

507 Reporting Practice Completion

A Reporting Completion

On AD-245, page 2, participants shall:

- report completion of practice by entering “Yes” in column G
- complete “Instructions to Participant”, item X.

Notes: See 1-CONSV, Exhibit 4.

Participants shall not complete “Instructions to Participant”, item Y if multiple persons shared in the cost of the practice. See subparagraph B.

County Offices shall not process AD-245 until all information is submitted.

On, AD-862, for practice performance not certified by NRCS, FS, or TSP, producers shall self-certify practice performance.

County Offices shall determine that the practice meets needs and feasibility based on the approved conservation plan developed by NCRS or TSP and approved by the conservation district.

B Multiple Contributors

If multiple persons shared in the cost of the practice, the participant shall include on AD-245 or attachment a list of names of all persons who shared in the cost of the practice and the extent of their contributions. The list shall include all ineligible persons, State, or Federal agencies.

A “person” who is fully compensated or reimbursed for materials, equipment, services, or labor is not a contributor.

--**COC or CED may consider all available information to determine the eligibility of other**--
contributors.

If more than 1 person contributed to a practice, determine whether:

- all contributors qualify as separate “persons” according to 1-PL or person or legal entity according to 4-PL or should be considered 1 “person” according to 1-PL or a person or legal entity according to 4-PL

- each eligible contributor is eligible to receive C/S.

508 Certification on AD-862 by Technical Agency

A Technical Agency Certification

The technical agency's certification on up to 10 percent of AD-862's is required.

County Offices shall:

- determine the total number of practices that **must** be certified by NRCS based on the total number of practices on CRP-1's approved in the previous FY
- notify the technical agency when AD-245, page 2, is filed by the participant
- provide aerial photography and current slides, if available, to TSP for its use in determining acreage performed
- **not** inspect any practice for verification
- accept the technical agency certification of the extent performed for approving payments to participants.

B Priority Practice Selection

Certain practices have greater technical complexity. These practices shall have priority when selecting the 10 percent of practice certifications completed by NRCS. For the following practices, NRCS or TSP, as applicable, shall certify practice performance on AD-862, up to 10 percent, before certifying practice performance for any other CRP practices:

- CP8A
- CP9
- CP18B
- CP18C
- CP21, when a structure, water facility, water development, or pipeline is included
- CP22, when a structure, water facility, water development, or pipeline is included
- CP23
- CP23A
- CP26
- CP27
- CP28

508 Certification on AD-862 by Technical Agency (Continued)

B Priority Practice Selection (Continued)

- CP29, when a structure, water facility, water development, or pipeline is included
- CP30
- CP31
- CP37
- CP39
- CP40
- CP41.

If NRCS and TSP certifies practice performance on AD-862 for practices listed in this subparagraph, and the 10 percent requirement has not been reached, all other CRP practices may be used to fulfill the 10 percent requirement.

C Items To Be Reported by Technical Agency

The technical agency shall report the following on AD-862:

- a certification showing items and extent that meet specifications, including tree thinning

- any items of performance that do not meet specifications and explain the reasons for the failure.

509 Adjusting Extent or C/S After Practice Performance

A Increase in Extent or C/S Before Payment

COC may increase the extent or C/S originally approved after performance is completed, but before payment is made on a case-by-case basis, if the extent approved was based on an estimate that proved to be in error and the producer could not reasonably have known in advance the extent needed to complete the practice.

All adjustments must be in compliance with the approved conservation plan. The conservation plan must be modified to reflect any changes in the extent of performance before COC may approve the change.

Notes: A new AD-245 is not required when increasing the extent or C/S after performance and before payment.

Changes in the number of acres on CRP-1 is not authorized.

B Decrease After Performance and Before Payment

COC may decrease the extent and C/S originally approved after performance and before payment if the technical agency approves the lesser extent for practice completion.

All adjustments must be in compliance with the approved conservation plan. The conservation plan must be modified to reflect any changes in the extent of performance before COC may approve the change.

Note: Changes in the number of acres on CRP-1 is not authorized.

C Documenting Adjustment Before Payment

Documentation of adjustment shall include a manual change of the entries on AD-245. The person making changes shall initial and date the changes.

- Enter the total C/S and extent approved on AD-245 through the automated system. Refer to 1-CONSV, Part 5.

- Notify the producer by letter and enclose a copy of the manually revised AD-245.

509 Adjusting Extent or C/S After Practice Performance (Continued)

D Increase Extent or C/S After Payment

COC may increase the extent or C/S originally approved after payment has been issued if 1 of the following situations occurred:

- County Office made an error on original extent or payment computation
- technical agency made an error on original extent reported
- producer failed to bring in a receipt or invoice
- other similar situation that resulted in a lesser extent or C/S payment.

E Documenting Increase After Payment

Documentation of extent or C/S increase shall include a manual change of the entries on AD-245. The person making changes shall initial and date the changes.

- Enter the total C/S and extent approved on AD-245 through the automated system. Refer to 1-CONSV, Part 5.

- Issue payment to the producer for the additional C/S.

510 Eligible Items for Computing C/S

A Eligible Costs

Review all applicable costs for labor, material, equipment used, sales tax, and value of used material to determine the total eligible cost of the practice.

Expenses for personal labor and personal equipment should be less than that charged by contractors who are entitled to make a profit for their efforts.

B Ineligible Costs

Ineligible costs for computing C/S earned include:

- pumps and pumping accessories

  Exception: Permanently installed pumps that are required as an integral part of water facilities constructed outside of a riparian buffer or filterstrip.

- dry wells
- engineering charges or permit fees
- consultant's fees
- providing land or the right to use land or water
- meeting supplemental requirements, such as abstaining from harvesting
- loss or reduction in revenue from the land
- rent or other costs of using land
- shipping
- fence chargers.

511 C/S Policy for Water Development and Water Facilities

A C/S Amounts

Exhibit 11 provides that certain components for practices CP21, CP22, CP29, and CP30 are eligible for C/S. The following limitations for C/S eligibility apply:

- C/S for the total of all water developments per contract shall not exceed $3,600
- C/S for the total of all water facilities per contract shall not exceed $2,400
- C/S for the total of all pipelines shall not exceed $2,400
- C/S per foot of fencing shall not exceed the STC- or COC-established cost for a 4-strand barbed wire fence.

Important: C/S is available for the lowest cost option that provides a dependable water source needed to address the resource concerns.

Multiple offers and multiple contracts to avoid C/S limitations are **not** authorized.

Example: A producer would like to install 3 water tanks, including applicable gravel apron and fencing. Each tank, including gravel apron, and fencing cost is estimated to cost $1,500 each. Because the maximum of $2,400 is eligible for C/S, the producer could receive a maximum payment of $2,400. To avoid the C/S limitation, the producer submits 2 separate offers on a portion of the acreage.

--**COC's or CED's shall **not** approve multiple CRP contracts for the same tract if COC**--
determines the multiple contracts are to avoid the C/S limitation.

B Water Developments

Water developments are any of the following:

- spring
- dug, bored, or drilled well
- pond.

511 C/S Policy for Water Development and Water Facilities (Continued)

B Water Developments (Continued)

Producers may receive C/S if all of the following are met:

- total C/S for all water developments on a contract shall not exceed $3,600 per contract
- technical authority (NRCS, FS, TSP) determines, based on the specific site conditions, that a water development is needed to provide water for livestock
- livestock currently graze or normally graze (crop residue) the marginal pastureland or cropland acreage located adjacent to the acreage enrolled in CRP as a filter strip or riparian buffer
- water development is installed according to the NRCS FOTG standard and this handbook

  Note: More than 1 water development per contract may be allowed, if needed, to provide the water for livestock, and no other technically feasible and economically viable alternatives for water are available.

- water development is the lowest cost option that provides a dependable water source.

Examples: NRCS or TSP determines, based on the site conditions, that the producer could construct a $3,400 spring or a $2,400 drilled well. Both options would provide dependable water and would address the resource concerns. The $2,400 drilled well **must** be selected.

A steep pasture is bisected by a stream. The steep topography and rocky site condition prohibit the crossing of the stream by a pipeline. Two spring developments may be permitted because it is the lowest cost option to provide a dependable water source. The maximum C/S for both springs may not exceed $3,600 for the contract.

511 C/S Policy for Water Development and Water Facilities (Continued)

C Water Development Distance From Filter Strip or Riparian Buffer

Water developments may be approved for C/S for CRP if the water development distance from the filter strip or riparian buffer contract acres are either of the following:

- ***--**up to 750 feet from the outer edge of the filter strip or riparian buffer based on COC or CED approval**--***

- up to 1,500 feet from the outer edge of the filter strip or riparian buffer based on STC approval.

Note: Water developments in excess of 1,500 feet from the outer edge of the filter strip or riparian buffer **must** be submitted to CEPD for approval. See subparagraph J.

D Water Facilities

Water facilities are any of the following:

- trough

- tank

- fencing, included around the tank or trough

- hydrants and other necessary piping, excluding pipeline to convey water to the watering facility.

Producers may receive C/S for water facilities if all of the following are met:

- total C/S payments for water facilities do not exceed $2,400 per CRP contract

- technical authority (NRCS, FS, TSP) determines, based on the specific site conditions, that water facilities are needed to provide water for livestock

511 C/S Policy for Water Development and Water Facilities (Continued)

D Water Facilities (Continued)

- livestock currently graze or normally graze (crop residue) the marginal pastureland or cropland acreage located adjacent to the acreage enrolled in CRP as a filter strip or riparian buffer

- water facilities are installed according to the NRCS FOTG standard and this handbook.

Note: More than 1 water facility per contract may be allowed, if needed, to address the resource concern, and no other technically feasible and economically viable alternatives for water are available.

Important: C/S is available to provide the lowest cost option that provides a dependable water facility needed to address the resource concerns.

Example: A producer could choose to install 3 water tanks, gravel aprons, and fencing. Each tank, gravel apron, and fencing costs $1,500 each. The total eligible costs are $4,500. Because a maximum of $2,400 is eligible for C/S, the producer could receive a maximum payment of $2,400.

E Water Facility Distance From Filter Strip or Riparian Buffer

Water facilities may be approved for C/S for CRP if the water development distance from the filter strip or riparian buffer contract acres are either of the following:

- less than 750 feet from the outer edge of the filter strip or riparian buffer based on COC *****--or CED approval--*****

- less than 1,500 feet from the outer edge of the filter strip or riparian buffer based on STC approval.

Note: Water facilities in excess of 1,500 feet from the outer edge of the filter strip or riparian buffer **must** be submitted to CEPD for approval. See subparagraph J.

511 C/S Policy for Water Development and Water Facilities (Continued)

F Pipelines

Installing pipelines to convey water to water facilities is eligible for C/S if all of the following are met:

- total C/S for the pipeline does not exceed $2,400 per CRP contract
- livestock currently graze or normally graze (crop residue) the marginal pastureland or cropland where the filter strip or riparian buffer is located
- pipeline is installed according to the NRCS FOTG standard and this handbook
- ***--**COC's or CED's may approve contracts with pipelines less than 750 feet from the**--*** outer edge of the filter strip or riparian buffer
- STC may approve pipelines less than 1,500 feet from the outer edge of the filter strip or riparian buffer.

G Fencing

C/S is available for installing fencing if the following are met:

- fencing is necessary to prohibit livestock access to the CRP acres devoted to filter strips or riparian buffers
- fencing is installed parallel and adjacent to the CRP acreage

  Note: For extraordinary cases, if the existing size and width requirements for filter strips or riparian buffers in Exhibit 11 do not allow for installing the fence parallel and adjacent to the buffer, these cases may be submitted to CEPD through STC for review.

- C/S does not exceed the STC- or COC-established cost for a 4-strand barbed wire fence.

Note: Producers may install fencing other than a 4-strand barbed wire fence. However, C/S is limited to the cost of the 4-strand barbed wire fence.

Important: C/S is available only for the lowest cost option that provides adequate fencing needed to address the resource concerns.

511 C/S Policy for Water Development and Water Facilities (Continued)

H Cost

--COC or CED and STC should review all cost data for water facilities, water developments, water gaps, and livestock crossings. COC's or CED's and STC's should take steps-- necessary to ensure that components of the practice are essential for the practice and the minimum needed for completing the practice.

I Livestock Crossing

--Livestock crossing is only permitted if it is determined by COC or CED, based on the-- technical authority finding, that a livestock crossing is essential for implementing the filter strip or riparian buffer. C/S for all livestock crossings is limited to $1,800 per contract.

J CEPD Waiver Request

Requests for waivers, according to subparagraphs C and E, forwarded to CEPD should include a minimum of the following:

- aerial photograph of the site
- location of the filter strip or riparian buffer
- location of current or proposed water facilities
- location of current or proposed pipelines
- size of pasture impacted and approximate amount of livestock using the pasture
- options considered
- option selected and the rationale for selecting the option
- estimated costs
- technical contact person for the plan
- environmental justification
- letters of concurrence from the State conservationist and STC
- any other pertinent documentation to support the request.

512 C/S Policy for Management Activities

A C/S Amount

Paragraph 428 and Exhibit 11 provide that certain management activities are required for all practices. These management activities are eligible for C/S. C/S is limited to 50 percent of eligible cost up to $50 per acre per year not to exceed:

- $100 per acre for the life of the contract for a 10-year contract
- $125 per acre for the life of the contract for a contract in excess of 10 years.

513 Supporting Data

A Obtaining Evidence

--COC's or CED's shall obtain evidence to determine proper payment. This includes, but is-- not limited to, the following:

- invoices
- canceled checks
- paid receipts
- analysis tags
- other evidence to determine proper payment.

Evidence **must** be obtained from participants to ensure that C/S received does not exceed 100 percent of the cost of the practice. Participants **must** provide acceptable evidence to determine proper payment regardless of whether flat rates; percent of cost, not to exceed $ ____ per unit of measure; or percent-of-cost method was used to determine the C/S payment.

Note: See subparagraph D.

*--COC's or CED's shall obtain acceptable evidence of practice completion regardless of whether the participant will receive C/S. COC's or CED's **must** ensure that the practice--* was completed according to the standards and specifications in the conservation plan.

B Retaining Documentation

--Review, copy, and return to participant the supporting evidence required by COC or CED-- that the producer submits to receive C/S payments.

Keep supporting evidence for flat rates and percent-of-cost methods for payments on file in the County Office for 5 years after the expiration of CRP-1.

513 Supporting Data (Continued)

C Invoices and Documentation for Percent of Cost

Process data for C/S payments based on percent of cost according to the following.

Step	COC Action
1	Applicant **must** provide satisfactory evidence to determine proper payment according to subparagraph A.
2	Manually enter the cost of performing the components of the practice on AD-245, page 2, column G, above the extent reported.
3	If a discount was applied, use the sale price minus the discount to compute C/S.
4	Consider costs reported paid by ineligible persons. **Note:** See paragraph 516 for an example.
5	If used materials are involved, COC shall determine and document the value of these materials based on current commercial rates.
6	If the producer performed the practice with the producer's own labor, equipment, or materials, the producer shall submit signed, itemized statements. Statements shall include: • dates of work performed • cost per hour charged for labor • type of equipment used • charge for equipment • type and cost of materials used • other applicable information. Costs for personal labor and personal equipment should be less than that charged by contractors who are entitled to make a profit for their efforts.

513 Supporting Data (Continued)

D Documentation for Practices With Flat Rates

Producer shall provide supporting evidence of practice cost.

- Make a copy of all supporting evidence and attach to AD-245, page 2.
- Return the original supporting evidence to the applicant.

E Examples

Use the following data for all examples:

- the 100 percent Statewide or countywide average cost for "seedbed preparation" has been established at $20 per acre

- the maximum C/S allowed under CRP is 50 percent

- the flat rate established for "seedbed preparation" is $10 per acre.

Example 1: Producer A performs seedbed preparation and submits receipts indicating that the total cost for seedbed preparation was $21 per acre. Producer A's C/S for seedbed preparation is $10 per acre.

Example 2: Producer B performs seedbed preparation and submits receipts indicating that total cost for seedbed preparation was $15 per acre. Producer B's C/S for seedbed preparation is $10 per acre.

Example 3: Producer C performs seedbed preparation and submits receipts indicating that the total cost for seedbed preparation was $8 per acre, which is less than the $10 per acre flat rate. Producer C's C/S for seedbed preparation is $8 per acre because Producer C's C/S cannot exceed 100 percent of the actual cost in performing the practice component.

514 Computing C/S

A When to Compute C/S

Compute C/S earned for the practice only after **all** these actions have been taken:

- AD-862 has been received from NRCS, TSP, or self certified by the producer
- the performance report has been reviewed
- all required information has been obtained
- approved adjustments have been made in:
    - C/S
    - extent
    - materials
    - practice components.

B Rounding

Round all C/S earned to the nearest whole dollar following normal rules of rounding.

C Computing C/S Earned

Manually compute C/S earned for practice and components and enter on AD-245, page 2, column H according to 1-CONSV.

515 Cost Data When Ineligible "Persons" According to 1-PL or Person or Legal Entity According to 4-PL, Contributed

A Ineligible Contributor

Any contributor that is not a signatory to the contract is:

- an ineligible contributor
- not eligible to receive C/S.

Examples of contributions from an ineligible contributor include materials, services, or cash provided to an eligible "person" according to 1-PL or person or legal entity according to 4-PL.

B Reporting Ineligible Contributions

Report the contribution of an ineligible contributor on AD-245, page 2. Include the following information:

- name of the ineligible contributor
- total cost of performing the practice
- dollar value of the ineligible contribution made
- describe the ineligible contribution.

516 Computing C/S if Ineligible Persons Have Contributed

A CRP C/S

C/S payments shall not exceed 100 percent of cost paid by CRP participant, including contributions of ineligible persons, to carry out a CRP practice.

B Computing C/S Payments

If an ineligible person contributed to a practice, C/S is computed by including the ineligible contributor's contribution in the total cost. C/S is limited to the participant's out-of-pocket cost.

Note: The participant shall never earn C/S exceeding 100 percent of out-of-pocket costs.

C Example of Percent of Cost

Producer A, an eligible "person" according to 1-PL or person or legal entity according to 4-PL, incurs $4,000 for a practice. An ineligible contributor contributes $1,000 for the practice. Total cost of the practice was $5,000. Percent of cost rate is 50 percent.

The ineligible contribution of $1,000 will not be deducted from the total practice cost of $5,000 to compute C/S amount. Producer A will receive a $2,500 C/S payment, which is 50 percent of $5,000.

Note: C/S of $2,500 does not exceed 100 percent of the producer's out-of-pocket cost.

D Example of Percent of Cost, Not to Exceed

Producer A, an eligible "person" according to 1-PL or person or legal entity according to 4-PL, incurs $4,000 for a practice. An ineligible contributor contributes $1,000 for the practice. Total cost of the practice was $5,000. Percent of actual cost rate is 50 percent, not to exceed $3,000.

The ineligible contribution of $1,000 will not be deducted from the total practice cost of $5,000 to compute C/S amount. Producer A will receive a $2,500 C/S payment, which is 50 percent of the actual cost, not to exceed $3,000.

Note: C/S of $2,500 does not exceed 100 percent of the producer's out-of-pocket cost.

516 Computing C/S if Ineligible Persons Have Contributed (Continued)

E Example of Flat Rate

Producer A, an eligible "person" according to 1-PL or person or legal entity according to 4-PL, incurs $4,000 for a practice. An ineligible contributor contributes $1,000 for the practice. Total cost of the practice was $5,000. Flat rate for this practice is $3,500.

The ineligible contribution of $1,000 will not be deducted from the total practice cost of $5,000 to compute the C/S amount. Producer A will receive a $3,500 C/S payment, which is the flat rate for this practice.

Note: C/S of $3,500 does not exceed 100 percent of the participant's out-of-pocket cost.

517 Computing C/S if Special Interest Groups Contributed

A Special Interest Groups

Special interest groups, such as Ducks Unlimited or Pheasants Forever, are eligible to receive C/S payments if they are part of the contract.

When special interest groups contribute to the cost of a practice, their contribution shall **not** be subtracted from the total cost when computing C/S.

Non-C/S services are permitted from special interest groups, such as Ducks Unlimited or Pheasants Forever, and are included in the calculation of total establishment costs.

Notes: C/S payment shall not exceed 100 percent of the eligible "persons" according to 1-PL or person or legal entity according to 4-PL contribution to the cost of installing the practice.

Special interest groups **may** not be eligible to receive annual rental payments.

B Example

An eligible producer contributes $5,000 to the cost of a practice. A special interest group contributes $1,500 to the cost of the same practice for a total cost of $6,500. The practice C/S level is 50 percent.

The eligible producer may receive a $3,250 C/S payment, which is 50 percent of $6,500.

Note: C/S of $3,250 does not exceed 100 percent of the producer's out-of-pocket cost.

518 Dividing C/S Based on Contributions

A All Costs Paid by 1 Eligible "Person" or Person or Legal Entity

An eligible person who performs the obligation of establishing the practice may earn the C/S payment.

Note: See paragraph 491 for eligible persons.

B Costs Paid in Equal Proportions by Eligible "Persons" or Person or Legal Entity

If 2 or more eligible "persons" according to 1-PL or person or legal entity according to 4-PL equally contribute to the cost of performing the practice, divide C/S equally.

C Costs Paid in Unequal Proportions by Eligible "Persons" or Person or Legal Entity

If 2 or more eligible "persons" according to 1-PL or person or legal entity according to 4-PL contribute to the cost of performing a practice and COC determines that each "persons" according to 1-PL or person or legal entity according to 4-PL contributions are not in equal *****--proportions, COC or CED shall:--*****

- prorate the C/S payments based on the individual's contributions
- document how each "persons" according to 1-PL or person or legal entity according to 4-PL percent of contribution was determined.

D All Costs Paid by Ineligible "Person"

Make no C/S payments to any person for a practice for which all costs are paid by ineligible "persons".

519 Making CRP C/S Payments

A C/S Payments

CRP C/S payments shall:

- be made when authorized according to 1-FI

- be computed based on the rates and specifications in effect when C/S is approved on AD-245

  Note: See paragraph 498 for an exception.

- be paid as soon as possible after all of the following have been completed:

  •***--**COC or CED approves CRP-1**--***
  - producer signs AD-245, page 2 and reports completion of the practice
  - NRCS or TSP certifies performance or producer self certifies performance
  - AD-1026 has been completed and signed
  - CCC-502 or CCC-901, as applicable, has been completed and signed
  - compliance with 1-PL or 4-PL, as applicable

  Note: See 61-FI for prompt payment provisions.

- not exceed:

  - 50 percent of eligible costs

  - 50 percent of land value

    Exceptions: See paragraph 491.

  - 100 percent of participant's out-of-pocket cost

- be exempt from maximum payment limitation provisions and offset for debts to FLP

- only be paid to signatories to approved CRP

- not be authorized for splitting practices on the same land for C/S purposes between different Federal programs

519 Making CRP C/S Payments (Continued)

A C/S Payments (Continued)

- not be issued to Federal entities
- be recorded on AD-245
- be spot-checked according to subparagraph 497 J.

Note: See 58-FI. Make partial payments according to 1-CONSV and paragraph 520. Record partial and final performance according to 1-CONSV.

B Approval Responsibilities for C/S Payments

STC or DAFP representative shall review certain AD-245's before approval. The following shows required reviews, persons responsible for review, and persons responsible for approval or disapproval.

AD-245's for...	MUST be reviewed by...	BEFORE approval or disapproval by...
• COC members • County ES employees • FSA County Office employees • other County USDA employees • Conservation District board members	DD	DD.
State Office employees	STC	STC.
STC members	DAFP	SED.
SED's	DAFP	STC.
Other FSA employees	DAFP	STC.

Note: Reviews **must** be completed for any entity for which the employees, who are subject to a required review, have a substantial beneficial interest, according to 1-PL or 4-PL, as applicable.

Persons making the required reviews shall ensure that all:

- eligibility requirements are met
- required entries on CRP-1 and CRP-2 are completed.

SED or STC, as applicable, shall not approve CRP-1's unless authorized by DAFP in writing.

520 Partial Payments

A Authority for Partial Payment

Partial payment for a practice may be paid if the participant will complete **all** of the practice *--within the time prescribed by COC or CED.--*

If the practice is not completed within the time prescribed, the participant **must** refund the payment.

B Making Partial Payments

Make partial payments only when **all** of the following conditions are satisfied:

- a request for payment is made on AD-245
- *--COC or CED and NRCS or TSP determine that the completed components are a--* reasonable attainment toward completing the practice
- the participant agrees to complete the practice on FSA-18, which **must** be filed with AD-245.

  Note: See Exhibit 41 for instructions on completing FSA-18.

NRCS or TSP **must** certify performance before any payment is made.

521 Adjustments Because of Overpayment or Underpayment

A Adjustments

County Offices shall adjust AD-245, page 2, if:

- overpayment is caused by an error in data or computations, which includes excess refunds
- underpayment is caused by an error in data or computations, which includes deficient refunds.

Note: The participant **must** sign the corrected AD-245, page 2.

522-545 (Reserved)

Part 16 CRP-1 Modifications

Section 1 CRP-1 Revisions

546 Revisions to CRP-1's

A When to Revise CRP-1's

CRP-1's must be revised for the following reasons:

- change in farm number after a reconstitution
- change of participants
- change in producer's shares
- part of the land under CRP-1 is terminated by the producer according to subparagraph 571 B
- part of the land under CRP-1 is terminated because of a violation
- land under CRP-1 is withdrawn from cropland status
- land under CRP-1 is sold to another producer
- loss of control of land, including death, sale, inheritance, incompetency, foreclosure, or eminent domain
- acreage changes because of new aerial imagery
- removal of CRP because of natural conditions.

Note: This shall be applicable to all CRP-1 signups.

--**COC or CED shall not approve requests to revise CRP-1's to increase the number of**-- participants when the original number of participants were not eligible to receive the full value of CRP-1.

Example: Joe historically owned and operated acreage that was offered and accepted for CRP. The acreage accepted supports a $150,000 annual rental payment. Joe is limited to $50,000 by the annual payment limitation. Joe requests to revise CRP-1 to add Steve and Tim as tenants to CRP-1, each receiving $50,000. COC ***--**or CED shall not approve these revisions; however, if Joe sold CRP acreage through an arms-length transaction to Steve and Tim, COC or CED could**--*** approve CRP-1 for Steve and Tim as successor's-in-interest, providing Joe did not maintain a reversionary interest in the acreage and all other eligibility requirements are met.

546 Revisions to CRP-1's (Continued)

B Revising Erroneous Acre Determinations

Revise erroneous acre determinations according to the following.

Note: This subparagraph only applies to cases where there was **no** measurement service completed.

IF, after CRP-1 is approved, it is determined that CRP-1 includes…	THEN…
more eligible acres than originally approved	• revise CRP-1 to include the additional eligible acres • do **not** make retroactive payments on the additional acres.
less eligible acres than originally approved	• revise CRP-1 to correct the error • do **not** collect overpayments if it is an FSA, NRCS, or TSP error.

C Notification of Revisions

--**COC or CED **must** notify all CRP participants in writing that the conservation plan and CRP-1 **must** be revised to reflect the change to CRP-1. Participants **must** consult with NRCS or TSP to revise the conservation plan. Notify all participants, in writing, upon COC or CED receipt of the revised conservation plan, that the participants have 60 calendar**--days from the date of notification to sign the revised CRP-1.

D Required Forms and Signatures

The following provides required forms and signatures.

Form	Signature Required
• CRP-1 (Exhibit 21) • CRP-1 Appendix (Exhibit 29), if applicable • NRCS-CPA-1155 • Certification Statement (subparagraph 130 E) • Conservation Plan and Contract Support Documents	• Operator. • Operator's spouse, if spouse is another producer. • Each owner whose name is on the deed. **Note:** CRP-1 signatures are required 60 calendar days after COC notification.

Note: An operator is not required to sign a revised CRP-1 if the operator provides a written statement voluntarily relinquishing rights to CRP.

546 Revisions to CRP-1's (Continued)

E Requirement Exceptions

The requirements for signatures apply unless:

- a trustee of BIA representing native Americans owning the land signs on their behalf

  Note: All CRP-1's signed by BIA representative on behalf of native Americans owning the land shall be reviewed by RA. COC shall not approve CRP-1 until RA determines that the required signatures have been obtained.

- a native American has a restrictive 5-year BIA farm lease that has been extended according to BIA provisions.

F Other Signatures

--**COC or CED shall:**--

- ensure that operators and tenants receive fair and equitable treatment
- verify that this provision is being followed before making C/S or annual rental payments.

546 Revisions to CRP-1's (Continued)

G Revising CRP-1's

Revise CRP-1 **only** according to the following.

Step	Action
1	Assign an alpha suffix to CRP-1 number.
2	Transfer original CRP-1 data to revised CRP-1. See Exhibit 21. • Change items affected by revisions. • Leave rental rate and expiration date the same. • Have participants sign revised CRP-1.
3	Have participants sign and date CRP-1 Appendix, if applicable.
4	Enter "VOID" on original CRP-1.
5	Provide copy of revised CRP-1 and CRP-1 Appendix, if applicable, to all participants. **Note: Do not** provide a different CRP-1 Appendix if the participant on the revised CRP-1 is the same participant signing the original CRP-1. See subparagraph 546 H.
6	Revise automated CRP-1.

546 Revisions to CRP-1's (Continued)

H Revising CRP-1 if Plan Is Modified

If CRP-1 is revised for reasons other than modifying the plan, consult with NRCS or TSP about the need for modifying the approved conservation plan.

- Do **not** revise CRP-1 for only changes to the approved conservation plan. NRCS or TSP will use SCS-LTP-12.

  Note: Changes in practices require a revision to CRP-1.

- NRCS or TSP, in consultation with the participant, is responsible for changing the approved conservation plan.

•***--**COC or CED shall consider recommendations for changes in CRP practices.**--***

- Final approval for changes in C/S obligations is the responsibility of COC.

- Obtain a signed, modified conservation plan from NRCS or TSP.

- An approved conservation plan **must** be modified to reflect signatures of new owners if CRP-1 is revised because of succession-in-interest.

I Policy for Using Correct CRP-1 and CRP-1 Appendix

Successors-in-interest electing to succeed to an existing CRP-1 shall:

- sign the current version of CRP-1
- receive the same CRP-1 Appendix that was agreed to by the predecessor.

Note: **Do not** provide a different CRP-1 Appendix if the participant on the revised CRP-1 is the **same** participant signing the original CRP-1.

546 Revisions to CRP-1's (Continued)

J Applicability of CRP-1 Appendix for CRP Offers

The following provides the dates of each CRP-1 Appendix used for CRP offers.

IF CRP acreage was offered during...	THEN CRP-1 is effective for program year...	AND the date of the applicable CRP-1 Appendix is...
signups 1 through 4	1986, 1987, and 1988	February 25, 1986.
signup 5	1987 and 1988	July 17, 1987.
signups 6 and 7	1988 and 1989	January 22, 1988.
signups 8 and 9	1989 and 1990	February 2, 1989.
signup 10	1991	February 28, 1991.
signup 11	1992	June 25, 1991.
signup 12	1993	June 9, 1992.
signup 13	1996 and 1997	September 6, 1995.
continuous signup 14	1997 and 1998	September 3, 1996.
signup 15	1998 and 1999	February 12, 1997.
signup 16		
continuous signup 17		
signup 18	2000	
continuous signup 19	1999 and 2000	
signup 20	2001	November 29, 1999.
continuous signup 21	2000 and 2001	either of the following: • February 12, 1997, for CRP-1's approved before January 1, 2000 • November 29, 1999, for CRP-1's approved on or after January 1, 2000.
continuous signup 22	2000 and 2001	November 29, 1999.
continuous signup 23	2001 and 2002	
continuous signup 24	2002 and 2003	
continuous signup 25	2003 and 2004	
signup 26	2004 and 2005	May 1, 2003.
continuous signup 27		
continuous signup 28		
signup 29	2006 and 2007	
continuous signup 30	2005 and 2006	
continuous signup 31	2006 and 2007	
REX signup 32	2008 through 2011	
general signup 33	2007	

546 Revisions to CRP-1's (Continued)

J Applicability of CRP-1 Appendix for CRP Offers (Continued)

IF CRP acreage was offered during...	THEN CRP-1 is effective for program year...	AND the date of the applicable CRP-1 Appendix is...
continuous signup 35	2007 and 2008	May 1, 2003.
continuous signup 36	2008 and 2009	
continuous signup 37	2009 and 2010	
continuous signup 38	2010 and 2011	
general signup 39	2011	
continuous signup 40	2011 and 2012	
general signup 41	2012	
continuous signup 42	2012 and 2013	
general signup 43	2013	
*--continuous signup 44	2013 and 2014	May 7, 2013.--*
general signup 45	2014	

Note: Continuous signup 34 is used for EFCRP.

547 Revising CRP-1 Because of Loss of Control of Land

A General Policies

CRP-1 **may** need to be revised because of loss of control of land under CRP-1.

If loss of control occurs because of death, sale, inheritance, incompetency, foreclosure, or exercise of eminent domain, follow:

- subparagraph 630 A for conservation easements placed on CRP land
- paragraph 555 for succession-in-interest
- subparagraphs 550 B and C for other revisions
- paragraph 551 for land acquired by a Federal agency
- paragraph 552 for separate person determination for husband and wife
- paragraph 571 for:
    - land acquired by eminent domain
    - terminations
    - terminations because of foreclosure.

B If Owner Loses Control of CRP Land

Follow this table if owner loses control of CRP land.

IF loss of control occurs...	THEN...
on a tract of land on which all CRP-1 acres are located	revise CRP-1 and the approved conservation plan according to paragraph 546.
on part of CRP-1 acreage	• continue CRP-1 on the remaining acreage still under control of participant • follow paragraph 571 for partial terminations • offer person acquiring control successor-in-interest rights.
and CRP-1 is not continued on any part of acreage	terminate CRP-1 according to paragraph 571.

548 Revising CRP-1 Because of Loss of Interest by Operator or Tenant

A Voluntary Withdrawal by Operator or Tenant From CRP-1

CRP-1 acreage over which an operator or tenant voluntarily relinquishes the right to CRP-1 benefits may be continued by the owner or other eligible participant becoming a successor-in-interest.

The participant acquiring an interest in CRP-1:

- may share in payments made according to division of shares on CRP-1
- shall be responsible for complying with CRP-1 provisions
- shall be liable for payment reductions for noncompliance after becoming a party to CRP-1.

B COC Action

An operator **must** submit a request, in writing, to COC to be removed from CRP-1 when the operator no longer has an interest in CRP acreage.

COC shall:

- document basis for removal, in both COC minutes and in CRP folder
- verify that a signed statement was received from operator leaving voluntarily
- give owner the option of continuing to operate the land or obtaining a new operator if previous operator:
  - voluntarily relinquishes rights to CRP benefits
  - files for bankruptcy
  - dies and the estate fails to succeed within 60 calendar days of COC notification.

549 Revision Because Participant Gains Control of Land Under CRP-1

A Gaining Control of Land Under CRP-1

Follow this table when the participant of an existing CRP-1 gains control of other land already under CRP-1.

WHEN...	THEN...
participant chooses to assume CRP-1 on newly acquired land	• do not combine CRP-1's • revise CRP-1 on new land. **Note:** See paragraph 555 for successor-in-interest.
participant chooses to continue both CRP-1's	• advise participant of maximum payment limitation • adjust latest approved CRP-1 annual payment amount to reflect no more than maximum payment limitation, if necessary.
either CRP-1 will not be continued	terminate applicable CRP-1 according to paragraph 571.

550 Other Revisions

A Revision Because of New Aerial Imagery

If new aerial imagery or digitizing new photography (certified CLU's or GIS measurement) results in a change in the approved CRP acreage or official cropland for the farm, follow 1-CRP, paragraph 285.

B Revision to Substitute Fields

Fields designated under CRP-1 cannot be substituted because the original field is under a long-term contract.

C Removal of CRP Acreage Because of Natural Conditions

Apply this subparagraph to CRP-1 when CRP acreage no longer exists because of natural conditions.

Example: The original CRP-1 contained 50 acres along a river. The river eroded 3 acres of land downstream; therefore, only 47 acres remain in the field.

Do not apply this subparagraph to CRP acreage that is underwater or that has been severely damaged.

County Offices shall take the following action.

Step	Action
1	Revise CRP-1 to remove acreage that has been physically removed from the property after COC determines that the acreage is no longer eligible for CRP because it does not exist.
2	See 3-CM for procedure on adjusting farm and cropland acreage.

D Revision Authorized by DAFP

Revisions, other than in this section, require DAFP approval.

551 Gain of Control of CRP Land by a Federal Agency

A Federal Agency Gains Control of CRP Land

Federal agencies that acquire property that contains CRP acreage are **ineligible** to succeed to or earn payments under CRP or offer acreage for enrollment in CRP. However, CRP-1 may be continued on land acquired by a Federal agency if:

- CRP acres are maintained according to CRP-1 terms and conditions
- the operator on CRP-1 at the time the Federal agency gains control continues to be the operator of the property, unless this operator signs a written statement relinquishing rights to CRP.

Note: The Federal agency **must** provide evidence of control to the operator for the remainder of CRP-1 period. Other eligible tenants, including the previous owner, may continue to earn CRP payments, as "other producers."

If CRP-1 will be continued with eligible CRP participants, do the following:

- use CRP-20 (Exhibit 43) to notify participants of the conditions for continuing CRP-1

  Note: Send a copy of CRP-20 to the Federal agency.

- have CRP participants and an authorized representative of the Federal agency sign CRP-1E Addendum (Exhibit 44) within 60 calendar days of COC notification
- file a copy of CRP-20 and CRP-1E Addendum in the participant's folder.

If a Federal agency acquires property that contains CRP land and chooses **not to continue** CRP-1:

- terminate CRP-1 on the affected acres
- **do not** require refund of previous CRP payments if Federal agency agrees to maintain the acreage according to the CRP-1 terms and conditions.

  Note: CRP participants may earn their prorated share of eligible CRP payments according to paragraph 463.

551 Gain of Control of CRP Land by a Federal Agency (Continued)

A Federal Agency Gains Control of CRP Land (Continued)

When a Federal agency maintains the CRP acreage and the land is subsequently sold to a new owner, if CRP-1 will:

- be continued, see paragraph 555 for succession-in-interest
- **not** be continued, see paragraph 571 for terminations.

B Exception When FLP Gains Control of CRP Land

The provision that an eligible successor **must** control CRP acreage for the remainder of CRP-1 period does **not** apply if during the period FLP holds title to property that contains CRP acreage and an eligible FLP borrower exercised the right to repurchase the property under FLP's "lease back/buy back" provisions.

Note: See Exhibit 6.

CRP payments may be continued if:

- participants have received CRP-20
- FLP continues to hold title to the property and the FLP borrower **has signed**:
    - a lease to repurchase the property that includes CRP acreage
    - CRP-1E Addendum within 60 calendar days of notification.

CRP payments shall be prorated to eligible participants, based on the date the lease was approved by FLP.

Note: No payment shall be made under CRP-1 until FLP and the eligible FLP borrower **have entered** into a lease to repurchase the property under "lease back/buy back" provisions.

County Offices shall:

- review the FLP lease to ensure that the FLP lease **does not** otherwise violate CRP provisions

- file a copy of the FLP lease, CRP-20, and CRP-1E Addendum in the participant's folder.

551 Gain of Control of CRP Land by a Federal Agency (Continued)

C Continuing CRP-1 With FLP Borrower

CRP-1 shall be revised **only if** the land is sold to an eligible participant who agrees to continue CRP-1.

During the period the eligible borrower is attempting to repurchase the property under FLP's "lease back/buy back" provisions, the FLP borrower **shall**:

- be considered as an "other producer" under CRP-1
- forfeit **all** rights to future payments and refund, subject to previous payments made under CRP-1, if the property is:
  - not repurchased by the FLP borrower within 5 years
  - sold to an eligible participant who does **not** continue CRP-1.

If the FLP borrower:

- **does not** repurchase the land under CRP-1, see paragraph 571 for terminations
- repurchases the land under CRP-1, see paragraph 547 for revisions.

D Reoffering CRP Acreage Under FLP Control

CRP acreage under FLP control may be reoffered if:

- the person offering the acreage has signed a purchase agreement with FLP before the end of signup
- the person offering the acreage meets the eligibility requirements in paragraph 126
- the acreage being reoffered meets all other eligibility requirements.

--**COC or CED shall not approve CRP-1 until proof of ownership is provided.**--

E Policy Regarding Operators

The exceptions provided in this paragraph do **not** relieve COC's of the responsibility to ensure that the rights of operators or tenants are protected.

Eligible operators or tenants, who are signatories on **original** CRP-1, shall:

- continue to earn their share of CRP payments
- **not** be arbitrarily removed or replaced as eligible participants on CRP-1.

552 Revising CRP-1 Because of Husband and Wife "Person" Determination

A Applicability of Husband and Wife Provisions for CRP-1's Approved Before October 1, 2008

Spouses may be determined separate "persons" for 1991 and subsequent years according to 1-PL.

Follow 1-PL when revision of original CRP-1 is requested because of an additional "person" determination. Only revise existing CRP-1's if the commensurate shares are changed after a separate "person" determination is made.

B Signature Requirements on CRP-1's

Spouses in a joint operation are required to sign CRP-1's, including an existing CRP-1, if the spouses are subsequently determined to be separate persons. If only 1 spouse signed the original CRP-1 for a joint operation, the other spouse **must** sign CRP-1 after the spouses have been determined to be separate persons for payment limitation purposes.

IF...	THEN...
a revised CRP-1 is signed by the spouses within 15 calendar days after notification of person determination	***--**COC or CED shall approve the revised CRP-1.
a revised CRP-1 is not signed after 15 calendar days but is signed within 30 calendar days after notification of person determination	STC **must** approve late-filed signature before COC or CED approval of CRP-1.**--***
a revised CRP-1 is not signed within 30 calendar days after notification of person determination	CRP-1 may not be approved and producer shall be advised of appeal rights.

553 Revising CRP-1 Because of Inheritance

A Policy

A producer who becomes the owner of land enrolled in CRP because of inheritance, and succeeds to CRP-1, may receive payments for that contract without regard to the amount of payments received under any other contract executed before the inheritance. The participant shall provide adequate documentation, as defined by COC, to prove that acreage was inherited.

B When the Recipient Already Has an Interest in the Inherited CRP-1

When a CRP participant inherits CRP acreage and the recipient already has a share of the inherited CRP-1, use the following table for guidance.

Note: Each example assumes the son inherits the father's share of CRP-1.

IF the recipient's revised payment total for all CRP-1's is...	**THEN...**
less than $50,000 **Example:** Father and son share CRP-1, each receives 50 percent of the $20,000 annual rental payment.	• revise the inherited CRP-1 to remove the deceased participant and increase the shares of the recipient to 100 percent according to 1-CRP • process payments in the normal manner according to 1-CRP.
greater than $50,000 **Example:** Father and son share CRP-1, each receives 50 percent of the $60,000 annual rental payment.	• revise the inherited CRP-1, according to 1-CRP, into 2 contracts; 1 contract will have the recipient's original payment amount, the other will have the inherited payment amount **Note:** The acreage on the contracts shall be divided accordingly. • process annual rental payments for the inherited contract through the special CRP payment processing option according to 1-CRP, paragraph 361. **Note:** On Special Payment Reductions Screen EPCJ7301, ENTER "Y" in the "Inherited CRP-1 over PL" field.

553 Revising CRP-1 Because of Inheritance (Continued)

C When the Recipient Has No Prior Interest in CRP-1

When a CRP participant inherits CRP acreage, and the recipient had no share in the contract before inheritance, use the following table for guidance.

IF the recipient's revised payment total for all CRP-1's is...	THEN...
less than $50,000	• revise the inherited CRP-1 to remove the deceased participant and add the recipient • payments will be processed in the normal manner according to 1-CRP.
greater than $50,000	• revise the inherited CRP-1 to remove the deceased participant, and add the recipient according to 1-CRP • revise through pay limit system using the inheritance adjustment. See 3-PL (Rev. 1).

554 Transferring Land From CRP to WRP, GRP, HFRP, or EWP Floodplain Easement

A Transferring Existing CRP-1's

***--**Land that is subject to an existing CRP-1 may be accepted into WRP, FRPP, GRP, HFRP, or EWP Floodplain Easement at the discretion of NRCS.

When issuing CRP annual rental payments, the amount shall be prorated from October 1 to the filing date of the easement for WRP, FRPP, GRP, HFRP, or EWP Floodplain Easement.

Notes: Do not cancel CRP-1 until all WRP, FRPP, GRP, HFRP, or EWP Floodplain Easement documents are approved and filed. See 1-CRP, paragraph 296 to cancel CRP-1.

Refunds of C/S payments shall not be required when terminating CRP to enroll in WRP, FRPP, GRP, HFRP, or EWP Floodplain Easement. Refund of CRP-SIP and**--***
CRP-PIP is required.

Land terminated from CRP is no longer included in the 25 percent cropland limitation or 10 percent easement limitation.

B Transferring Portion of CRP Acreage

***--**If only a portion of the land subject to CRP-1 is accepted into WRP, FRPP, GRP, HFRP, or EWP Floodplain Easement, terminate only that portion of CRP-1 that is affected by enrollment into WRP, FRPP, GRP, HFRP, or EWP Floodplain Easement as follows.

Step	Action
1	Revise CRP-1 into separate contracts using suffix number according to 1-CRP.
2	After revising CRP-1, terminate CRP-1 for the acres transferring to WRP, FRPP, GRP, HFRP, or EWP Floodplain Easement.**--***

555 Successor-in-Interest

A Eligible Person Acquiring Interest in CRP Land

An eligible person may become successor-in-interest to CRP-1 if:

- land has been sold
- there has been a change in owner or operator
- a foreclosure or involuntary loss of land occurs.

Follow this table if an eligible person acquires an interest in CRP lands.

IF eligible person elects...	THEN...
not to continue CRP-1	terminate CRP-1 according to paragraph 571.
to continue CRP-1	revise CRP-1 according to subparagraph 546 G.

B Eligible Succession

--**Before approving CRP-1 revisions, COC or CED shall ensure that the successor-in-interest:**--

- understands that any outstanding adjustments because of violations by the previous participant will be the successor's responsibility

- has 1 of the following:

  - a valid deed to the land under CRP-1

  - a contract-for-deed with the seller that has been properly filed under applicable State law

    Note: Contact RA for further guidance.

  - a final journal entry of a probate court showing change of ownership, if RA concurs

  - acquired right of occupancy, through foreclosure proceedings, to the land under CRP-1.

    Note: This provision applies only to right of occupancy acquired as a result of foreclosure proceedings.

555 Successor-in-Interest (Continued)

C Full or Partial Succession

The following shows the difference between full succession-in-interest and partial succession-in-interest.

IF...	AND...	THEN consider succession...
the owner is the only signatory to CRP-1	no longer has control of CRP land	to be full succession-in-interest.
the operator is also signatory to CRP-1	the operator voluntarily relinquished right to CRP-1 and **is not** replaced	
	the operator will remain on CRP-1	to be a partial succession-in-interest.
	the operator voluntarily relinquished right to CRP-1 and **is** replaced	**Note:** The shares on revised CRP-1 shall be agreed to by successor and operator, and approved by ***--**COC or CED.**--***
CRP-1 will be continued on only a portion of the CRP acres		to be a partial succession-in-interest.

D Responsibilities of Eligible Successors

An eligible person who acquires an interest in land under CRP-1 and becomes a successor-in-interest by signing CRP-1, regardless of the division of shares, is:

- entering into a binding agreement with CCC for the remainder of the CRP-1 period
- jointly and severally liable for complying with terms and conditions of CRP-1

Exception: Participants that sign CRP-1 with zero percent interest in the annual rental payment shall **not** be held responsible for contract compliance.

555 Successor-in-Interest (Continued)

D Responsibilities of Eligible Successors (Continued)

- responsible for:
  - refunding all payments made since the effective date of CRP-1, including payments earned by previous participant, if CRP-1 is subsequently terminated
  - complying with payment limitation provisions
  - complying with landlord and tenant provisions.

--**COC or CED shall notify previous CRP-1 signers, when a successor-in-interest CRP-1 is approved, that they are no longer responsible for complying with CRP-1 for the acreage in which they no longer have an interest.**--

An operator or tenant, or his or her estate cannot be replaced **unless** the operator, tenant, or his or her estate agrees, in writing, to voluntarily withdraw from CRP-1 and is determined by ***--**COC or CED to no longer be an eligible participant.

COC or CED shall notify:**--***

- new landowners and authorized estate representatives that they have an opportunity to succeed to CRP-1

  Notes: If a revised CRP-1 is not signed within 60 calendar days from the date of ***--**notification by COC or CED, CRP-1 shall be terminated. No successor-in-interest will be allowed.**--***

  FSA shall not force landowners to agree to accept an estate representative as an operator. If a landowner refuses to sign a revised CRP-1, CRP-1 shall be terminated without requiring refunds. See paragraph 571.

- the bankruptcy trustee that CRP-1 shall be affirmed. See paragraph 580.

555 Successor-in-Interest (Continued)

E Policy for Using Correct CRP-1 and CRP-1 Appendix

Successors-in-interest electing to succeed to an existing CRP-1 shall:

- sign the current version of CRP-1
- receive the same CRP-1 Appendix that was agreed to by the predecessor.

Note: **Do not** provide a different CRP-1 Appendix if the participant on the revised CRP-1 is the **same** participant signing the original CRP-1.

556 Revisions Authorized by DAFP

A DAFP Authorized Revisions

Revisions, other than in this Section, require DAFP approval.

557-570 (Reserved)

571 Terminations

A Policy for Terminating All Land Under CRP-1

COC shall terminate **all** land under CRP-1 before its expiration date, if any of the following are met:

- participant loses control of or transfers **all** of the land under CRP-1 and there is no successor-in-interest

- **all** signatories voluntarily request, in writing, to terminate **all** land under CRP-1

- participants' request for termination of part of the land under CRP-1 was disapproved and participants proceed to violate the terms and conditions of CRP-1 on that land

  Example: Participant has 100 acres enrolled in CRP. Participant requests to terminate part of the acres under CRP-1 to return to crop production. The request is not approved. Producer plants part of the acres under CRP-1 to corn. COC shall terminate all land (100 acres) under CRP-1.

  Note: See subparagraph 603 E.

- **all** land under CRP-1 is transferred to WRP,GRP, HFRP, or EWP Floodplain Easement according to paragraph 554

- CRP practice or practices failed on **all** land under CRP-1 according to subparagraph 493 B and COC determines the cost of restoring the cover outweighs the benefits received from the restoration

- land under CRP-1 is under lease for gas, oil, earth, or mineral rights and the owner of these rights exercises the option to extract the gas, oil, earth, or minerals on **all** of the land under CRP-1 according to paragraph 154

- CRP-1 was approved based on erroneous eligibility determinations according to paragraph 638

- NRCS determines continuous signup practice cannot function on its own when a partial termination is requested.

Note: See paragraph 573 for terminating CRP-1's.

571 Terminations (Continued)

B Policy for Terminating Part of the Land Under CRP-1

COC shall terminate **part** of the land under CRP-1 before its expiration date, if any of the following are met:

- participant loses control of or transfers **part** of the land under CRP-1 and there is no successor-in-interest

- COC could not determine that a good faith effort was made according to paragraph 603

  Note: See paragraph 603 to determine whether all or part of the land under CRP-1 will be terminated.

- **part** of the land under CRP-1 is transferred to WRP, GRP, HFRP, or EWP Floodplain Easement according to paragraph 554

- CRP practice or practices failed on **part** of the land under CRP-1 according to subparagraph 493 B and COC determines the cost of restoring the cover outweighs the benefits received from the restoration

- land under CRP-1 is under lease for gas, oil, earth, or mineral rights and the owner of these rights exercises the option to extract the gas, oil, earth, or minerals on **part** of the land under CRP-1 according to paragraph 154

- part of the land under CRP-1 was approved based on erroneous eligibility determinations according to paragraph 638

- **both** of the following conditions are met:

  - **all** signatories to CRP-1 request, in writing, to terminate part of the acreage under an approved CRP-1

  - the later of the following:

    - CRP-1 has been effective for at least 2 years

      Exception: CRP-1's that have been re-enrolled do not have to be in effect for at least 2 years.

      Example: CRP-1 number 196 was enrolled in 1997 and was scheduled to expire September 30, 2007, but was re-enrolled under REX with an effective date of October 1, 2007. CRP-1 does **not** have to be in effect for 2 years to request a partial termination.

571 Terminations (Continued)

B Policy for Terminating Part of the Land Under CRP-1 (Continued)

- the approved cover is established on the acreage

- for continuous signup practices only, NRCS determines the remaining practice functions after part of the land under CRP-1 is terminated.

***--Notes:** A paid-for measurement service must be completed to determine the acreage terminated. The producer must refund annual rental payments plus interest and liquidated damages for the acreage terminated. Any cover destroyed on the acreage not terminated must be re-established at the producer's expense.

SRR's for remaining acreage under CRP-1 must not be recalculated.

Requests for termination of part of the land under CRP-1 that do not meet these requirements may only be approved by DAFP.**--***

Requests for DAFP approval of termination of part of the land under CRP-1 **must** include, at a minimum:

- written request, signed by all signatories to CRP-1, to terminate part of the acreage under an approved CRP-1 that includes the reason for termination and what the land will be used for after termination

- COC and STC recommendations

- map of acreage to be terminated

- copy of original CRP-2 or CRP-2C and revised CRP-2 or CRP-2C with **all** item numbers completed for acreage that will remain enrolled in CRP. Participants shall **not** sign

--**revised CRP-2 or CRP-2C.**--

Note: See paragraph 573 for terminating CRP-1's.

572 Terminations Because of Foreclosures and Eminent Domain

A CRP-1 Terminated Because of Foreclosure

CRP participants shall not be required to refund payments received when CRP-1 is terminated because of foreclosure, regardless of the foreclosure date.

Note: Sufficient documentation **must** be provided to COC or CED verifying the CRP acreage was foreclosed upon.

If the participant regains control of the land under contract, CRP-1 will be in effect on the date of the foreclosure shall apply.

Note: See paragraph 580.

B Land Acquired Under Eminent Domain

CRP land acquired under threat of condemnation or by eminent domain for public use is considered an involuntary loss of land by the participant.

COC shall:

- terminate the CRP acres acquired through condemnation or eminent domain

  Exception: CRP acreage may be continued under CRP-1 if there is minimal impact on the affected acreage and the vegetative cover is maintained.

- waive the refund of annual rental payments and C/S payments

- not assess liquidated damages.

Note: CRP payments shall be prorated to eligible participants based on the date the land was acquired by eminent domain.

573 Terminating CRP-1

A How to Terminate CRP-1

COC shall do the following when terminating all or part of the land under CRP-1:

- clearly document the facts in the COC minutes
- on CRP-1, write, "Terminated for (reason), REF COC minutes of (date of COC meeting)"

  Note: Person making entries shall initial and date.

- cancel automated CRP-1

--Important:** Terminated CRP-1's may only be reinstated by DAFP. COC's, CED's, or STC's do not have authority to reinstate a terminated CRP-1.**--

- notify each CRP-1 participant of all of the following:
  - reason for termination
  - they are no longer required to comply with terms of CRP-1 for which they no longer have an interest
  - they are ineligible to receive future CRP payments for acreage terminated
  - conservation compliance provisions apply
  - when part of the land under CRP-1 is terminated, they have 60 calendar days from the date of notification to obtain all signatures on revised CRP-1

    Note: If all signatures are not obtained within 60 calendar days of notification by COC, CRP-1 shall be terminated.

  - amount that **must** be refunded. See paragraph 574.

Note: Standard payment reductions do not apply to terminated CRP-1's.

574 Required Refunds

A Refunds

For terminations, COC must request refund of all of the following *** * ***:

- all annual rental payments plus interest
- all C/S payments, plus interest
- CRP-SIP, plus interest
- PIP, plus interest
- CP23, one-time WRI payment, plus interest
- liquidated damages, if applicable, according to paragraph 577.

Notes: If a participant was assessed a payment reduction during the CRP-1 period, required refunds shall not include the amount of the reduction.

C/S payments may be prorated after the permanent cover has been established for 5 years if COC determines, after consulting with the Conservation District and NRCS, that the established conservation practices have achieved the desired conservation benefits.

A second party review shall be conducted on all refund calculations.

See paragraph 576 for waiver of refunds.

575 Refunds Not Required

A No Refunds Required

Refunds of CRP-1 payments are not required of:

- operators when the administrator or heirs of an owner's estate do not become successor-in-interest to CRP-1

- the owner's estate if the estate or the heirs do not succeed to CRP-1

  Note: If the owner's estate succeeds to CRP-1, and the heirs subsequently do not succeed, refunds are not required from the estate.

- heirs if the deceased has no estate and the heirs do not succeed to CRP-1

- participants when both of the following apply:

  - an operator's estate wants to succeed to CRP-1
  - the landowner refuses to sign a revised CRP-1

- participants when CRP-1 is being terminated to enroll the acreage in a State conservation *****--program, WRP, FRPP, EWP Floodplain Easement, GRP, or HFRP

  Exception: Refunds of SIP and PIP are required.**--***

- participants when CRP-1 was approved based on an erroneous ownership or operatorship determination as provided in paragraph 638, and CRP-1 is terminated because of the erroneous determination

- participants when CRP-1 was approved based on an erroneous land eligibility determination according to paragraph 638, and CRP-1 is terminated because of the erroneous determination

- participants when COC determines that CRP-1 shall be terminated, based on provisions in subparagraph 493 B

  Note: COC or CED shall clearly document in COC minutes that the costs of restoring the cover outweigh the benefits received from the restoration.

576 Requests for Waiver of Refunds

A Policy for Waivers of Refunds

COC and STC are authorized to waive refunds when the following apply:

- a request to waive refunds is received from participants, in writing

  Note: It is the producer's responsibility to request a waiver of refunds.

- the total amount of refunds per contract, calculated according to paragraph 574 does not exceed:

  - $10,000, for COC authority to waive refunds
  - $50,000, for STC authority to waive refunds.

Note: SED's are authorized to waive refunds for equitable relief according to subparagraph D.

B COC Waivers of Refunds

COC shall:

- ensure that participants are provided appeal rights

- document requests for waivers in COC minutes

- submit requests for waivers in excess of $10,000 to STC or SED, as applicable

- not submit requests for waivers to STC or SED if COC does not recommend approval

- provide a report of waivers of refunds, no later than December 1 for each FY, according to subparagraph E.

***--Notes:** COC may waive liquidated damages according to paragraph 578.

COC may waive TIP liquidated damages according to subparagraph 812 C.**--***

576 Requests for Waiver of Refunds (Continued)

C STC Waivers of Refunds

STC shall:

- ensure that participants are provided appeal rights
- document requests for waivers in STC minutes
- provide a report of waivers of refunds for the previous FY, no later than December 1 each year, according to subparagraph E.

Notes: STC may waive liquidated damages according to paragraph 577.

--**STC may waive TIP liquidated damages according to subparagraph 812 C.**--

D SED Waivers of Refunds for Equitable Relief

SED's:

- ***--**may approve requests for waivers of refunds because of termination of CRP-1 or CRP-1R when the total amount calculated according to paragraph 574 (all annual rental payments and C/S payments, plus interest applicable to both, and liquidated damages or TIP liquidated damages) is equal to or less than $20,000, according to equitable relief**--*** provisions in 7-CP

  Example: The total refund amount calculated according to paragraph 574 is $23,000. The producer requested a waiver of $20,000. Because the total calculated refund amount exceeds $20,000, SED must submit the request for waiver to DAFP if it recommends approval of the waiver.

  Note: Sufficient documentation must be maintained when waivers are approved.

576 Requests for Waiver of Refunds (Continued)

D SED Waivers of Refunds for Equitable Relief (Continued)

- shall document requests for waivers of refunds
- shall submit all cases for waivers of refunds to DAFP for relief, when the total refund amount calculated according to subparagraph C exceeds $20,000

  Note: The cases shall contain the following:

  - copy of participant's written request for relief
  - copy of COC and STC minutes thoroughly documenting request and justification
  - copy of all applicable forms and documents in the case file, including but not limited to CRP-1's, CRP-2's, CRP-2C's, copy of aerial photocopies, conservation plans, land deeds, etc
  - all documentation used by COC and STC during review
  - narrative of the case in chronological order.

    Note: Incomplete case files may delay response.
- shall not submit requests for waivers of refunds to DAFP if STC does not recommend approval.

576 Requests for Waiver of Refunds (Continued)

E Report

--STC's and COC's must provide a report to the State Office of all refunds waived during the previous FY. The report must include the following:--

- State and county code
- CRP participant name
- CRP contract number
- calculated refund amount
- amount waived
- reason waived.

State Offices must provide a compilation of the STC and COC reports to the CRP Program *--Manager no later than December 1 for each FY. The following is an example of the--* report.

--FY _____ Refunds Waiver Report--					
State and County Code	**CRP Participant Name**	**CRP Contract Number**	**Calculated Refund Amount**	**Amount Waived**	**Reason Waived**
Total			**$**	**$**	

577 Assessing Liquidated Damages

A Determining Liquidated Damages Amounts

To determine the amount when assessing liquidated damages, multiply the number of acres being terminated times 25 percent times the annual rental rate.

B When to Assess Liquidated Damages

Before CRP-1 is approved, assess liquidated damages when the producer withdraws any offers after the offer is determined acceptable.

Exception: Liquidated damages shall not be assessed before CRP-1 is approved when the producer withdraws any request for CRP participation under the continuous signup provisions.

After CRP-1 is approved, COC shall assess liquidated damages if an original or revised CRP-1 is terminated.

--Note:** Assess liquidated damages for TIP CRP-1R according to Part 21.**--

C When Not to Assess Liquidated Damages

Do not assess liquidated damages if:

- CRP-1 participant is adversely affected by a person determination or by being determined not “actively engaged” according to 1-PL or 4-PL, as applicable, and withdraws from CRP-1

- CRP land is acquired under threat of condemnation or by eminent domain or acquired by an entity with the right of eminent domain, according to paragraph 572

- CRP land is under an existing lease for earth, oil, gas, or other mineral exploration before submission of CRP, and lessor exercises rights under the lease

577 Assessing Liquidated Damages (Continued)

C When Not to Assess Liquidated Damages (Continued)

- an estate does not succeed to CRP-1
- all signatures are not obtained after the offer is determined acceptable.

  Note: If all signatures are not obtained after offer is determined acceptable, the offer is determined ineligible and CRP-1 shall not be approved.

578 Waiving Liquidated Damages

A Request for Waiver

Determinations to waive liquidated damages shall be made on a case-by-case basis. CRP-1 termination does not automatically warrant waiving liquidated damages. When considering granting waivers, COC and STC shall consider:

- the future use of the terminated CRP acreage
- the circumstances in which the contract was terminated
- the agreement by the participant at time of enrollment to remove the acreage from production for the full term of CRP-1
- whether the acreage will be restored to production
- the effect the termination has on the participant.

COC may waive up to 50 percent of the assessed liquidated damages or recommend waiver of 100 percent to STC.

STC may approve requests to waive all liquidated damages.

Liquidated damages shall not be waived when COC or STC determines there was not a good faith effort to comply with the terms and conditions of CRP-1.

B Submitting Waiver Requests

COC shall submit fully documented requests to STC. Include the following when preparing requests:

- producer's written request
- COC findings
- specific COC recommendations and basis for recommendation, including determination on whether liquidated damages shall be assessed
- copies of all program documents and other County Office records.

579 CRP Land in State or Federal Receivership

A Policy

CRP-1's on land subsequently placed in State or Federal receivership, **subject to RA's concurrence**:

- do not have to be terminated
- may continue to earn payments if CRP-1 terms and conditions are satisfied.

B Court-Appointed Receiver

A Receiver is appointed by the court to manage the assets of a landowner. However, the Receiver:

- shall not be a successor to CRP-1
- is not required to sign CRP-1.

Note: A court-appointed Receiver "stands in the shoes" of the landowner as the CRP participant.

Contacts about CRP-1 should be made with the Receiver.

C Continuing CRP-1 on Land in State or Federal Receivership

Do not revise CRP-1 **until** the land is sold to an eligible participant who agrees to continue CRP-1.

If land is subsequently sold and CRP-1:

- will be continued, follow paragraph 546 for revisions
- will **not** be continued, follow paragraph 571 for terminations.

D Issuing CRP Payments for Land in State or Federal Receivership

Payments shall, subject to RA concurrence, be:

- made to the eligible CRP participant, using the producer's ID number
- mailed to the State or Federal Receiver.

Note: Do not make payments to the Receiver.

580 CRP-1 in Bankruptcy

A Bankruptcy Policy

Because of the complexity of the U.S. Bankruptcy Code provisions:

- there are no established **standard procedures** regarding producers who have filed for protection under the bankruptcy law

- STC's and COC's shall, **in all cases**, determine program eligibility involving bankruptcy cases based on the **advice** of RA.

If CRP-1 is terminated because of bankruptcy, refunds are not required from any signatories on CRP-1.

B CRP-1 Considered Executory Contract

CRP-1's are considered **executory** contracts.

CRP-1's approved **before** filing a petition for bankruptcy shall be **affirmed** by the Trustee or Debtor in Possession:

- upon order of the court
- after notice and hearing as determined by RA.

Note: No payments shall be made under CRP-1's, after filing the petition, **until** there is a court order agreed to by RA permitting assumption and an actual assumption.

C Chapter 7

When a producer files a Chapter 7 bankruptcy petition, the Trustee **must** obtain approval from the Bankruptcy Court within 60 calendar days of filing the bankruptcy petition to assume CRP-1. Otherwise, CRP-1 **shall** be terminated according to paragraph 571. Refunds, however, are not required.

580 CRP-1 in Bankruptcy (Continued)

D Exception to Chapter 7

If the Trustee does not affirm CRP-1 within 60 calendar days of filing the bankruptcy petition, CRP-1 may be reaffirmed with the debtor if:

- the parties elect to continue CRP-1 with FSA, waiving any breach deemed to have occurred by the lack of affirmation by the Trustee
- the debtor shows the property has been abandoned by the Trustee, leaving the debtor in a position to continue to comply with the terms and conditions for the full term of CRP-1
- agreeing to the reaffirmation will not compromise FSA's or CCC's interest
- RA agrees to defend the reaffirmation.

Note: A formal court approved reaffirmation will generally not be required.

E Chapters 11 and 13

Producers **must** also affirm or reject CRP-1's under Chapters 11 and 13. However, there is no requirement to assume CRP-1 within 60 calendar days. The reorganization plan shall include an affirmation or rejection of CRP-1 when filed with the Bankruptcy Court.

Note: If the reorganization plan has not been filed, request guidance from RA about when CRP-1 would have to be assumed by the Debtor in Possession, his or her estate, or his or her Trustee.

581-600 (Reserved)

Part 17 Compliance and Spot Checks

601 General Provisions

A Participant Responsibilities

All signatories on CRP-1 are jointly and severally responsible for complying with the term and conditions of CRP as stated on:

- CRP-1
- CRP-1 Appendix
- the approved conservation plan
- any other CRP forms.

Exception: Only signatories that receive a share of the payment are responsible for compliance.

B Annual Status Review

NRCS or TSP will complete a status review with the participant and a COC representative, if available, on up to 10 percent of all CRP-1's before the end of each FY until all practices in the plan are applied and the approved cover is established. The 10 percent required will be based on the total number of CRP-1's approved in the previous FY. Vegetative and tree cover establishments are reported to FSA by a status review labeled "Final."

Note: FSA and NRCS or TSP shall work together to prioritize and select the contracts and practices on which to complete an annual status review.

The State Forestry Agency will provide NRCS or TSP with 2 listings by name and CRP-1 number for contracts having tree plantings that:

- do not have adequate tree cover established or require replanting
- have established adequate tree cover and have not been reported as established
- have not been thinned according to the conservation plan.

Note: Certain participants agreed to thin tree stands to receive additional environmental benefits index points when the acreage was offered for enrollment.

NRCS or TSP will provide a copy of this list to FSA indicating "Final Status Review" for these CRP-1's.

601 General Provisions (Continued)

B Annual Status Review (Continued)

Progress of the practice establishment shall be documented, including:

- implementation of the approved conservation plan, including tree thinning, if applicable
- condition of installed practices
- need for revisions
- additional assistance.

NRCS or TSP shall use:

- NRCS-LTP-013, or its related electronic form, for required status reviews

- NRCS-LTP-03, or its related electronic form, to document completion of the annual status review.

NRCS or TSP will provide COC signed copies of the annual status reviews and the following information, if applicable:

- the reason why the practices have not been established
- why the practice does not meet the design standards and specifications
- what action **must** be taken for the practice to meet the standards and specifications
- the estimated time it will take to meet the standards and specifications.

601 General Provisions (Continued)

C FSA County Office Action

FSA County Offices shall:

- file the annual status review copies in CRP folders
- follow up on noncompliance cases
- conduct annual spot checks according to 2-CP **after** NRCS or TSP certifies on a final status review that the practice is established
- conduct annual spot checks on at least 10 percent of CRP-1's, including CREP, approved for:
  - spot treatment during the primary nesting or brood rearing season according to paragraph 427
  - early land preparation according to paragraph 637.

If NRCS or TSP certifies that a practice has not been established in the final performance review, COC shall determine necessary action. Action may include, but is not limited to:

- terminating CRP-1 according to paragraph 571
- determining that erosion is being controlled adequately with existing cover according to subparagraph 603 D
- participant working with NRCS or TSP to establish an approved cover.

602 Certifying Compliance

A Certification of Compliance

Before CRP annual rental payments are issued, a certification of compliance shall be filed on either FSA-578 or CRP-817U by 1 of the following:

- owner on CRP-1
- operator on CRP-1
- person authorized by power of attorney.

Notes: See subparagraph B for completing CRP-817U.

Substitute forms are not authorized. State and County Offices shall not develop substitute forms for FSA-578 or CRP-817U.

A current AD-1026 and applicable payment limitation forms shall be on file for all participants earning CRP benefits before CRP annual rental payments are issued.

At least 15 calendar days before the end of the reporting period, COC shall notify each CRP participant to file FSA-578 or return CRP-817U.

602 Certifying Compliance (Continued)

B Completing CRP-817U

County Offices shall complete CRP-817U according to the following.

Step	Action
1	Enter FSN in item 1.
2	Enter CRP-1 number in item 2. **Note:** Use one CRP-817U for each CRP-1.
3	Enter the program year for the certification in item 3. Do not enter the CRP-1 year.
4	Enter applicable CRP practices and the associated number of acres in item 4.
5	Provide a deadline for returning CRP-817U to the County Office.
6	Mail CRP-817U to CRP participant.

7	When the participant returns CRP-817U:
	
	• ensure that participant signed and dated CRP-817U in item 5
	• update the following in the System 36:
	
	  • FSA-578 according to 2-CP
	  • eligibility flags according to 6-CP and 2-PL.

602 Certifying Compliance (Continued)

C Example of CRP-817U

The following is an example of CRP-817U.

CRP-817U
(07-23-10)

U.S. DEPARTMENT OF AGRICULTURE
Farm Service Agency

CERTIFICATION OF COMPLIANCE FOR CRP

Producers name and address

County Office Address, City, State, Zip and Telephone number

Dear Producer:

Our records indicate that all of the following applied to you in the previous year:

1. That all or a portion of the land of your farm was enrolled in the Conservation Reserve Program (CRP).

2. That you certified compliance with Highly Erodible Land Conservation and Wetland Conservation provisions and have an approved farm operating plan for payment eligibility review (form CCC-502) or CCC-902 as applicable.

If the above statements remain true for the current year, please sign and date the CRP-817U and **return it to this office by** _____ so your CRP rental payment may be processed.
(Return date)

IMPORTANT INFORMATION – PLEASE READ AND RETURN BY DATE SPECIFIED SHOWN ABOVE		
1. Farm Number	2. CRP Contract No.	3. Program Year of Certification
4. Practice Identification and Acres		

I hereby certify that: (1) the information shown above is correct; (2) I have and will continue to comply with **ALL** the terms and conditions of the indicated CRP contract, including the applicable appendix and any addendums; (3) I am in compliance with **ALL** Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) provisions set forth in 7 CFR Part 12; (4) I have filed an approved farm operating plan for payment eligibility review (form CCC-502 or CCC-902, as applicable), in accordance with 7 CFR Part 1400 and there have been no changes in my farming operation; and (5) USDA representatives are authorized to enter upon and inspect the farm indicated above for the purpose of confirming this certification.

Contact this office immediately if any information shown is incorrect or if farming interests identified on the farm operating plan referred to above have changed.

5A. Producer's Signature (By)	5B. Title/Relationship of the Individual Signing in the Representative Capacity	5C. Date

NOTE: *The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a - as amended). The authority for requesting the information identified on this form is 7 CFR Part 1410, the Food Security Act of 1985 (16 U.S.C. 3831 et seq.), the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), and the Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246). The information will be used to certify compliance with all terms and conditions indicated on the CRP contract. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated). Providing the requested information is voluntary. However, failure to furnish the requested information will result in a determination of ineligibility to certify compliance with all terms and conditions indicated on the CRP contract which will prevent the processing of the CRP payment.*

The information collection is exempted from the Paperwork Reduction Act, as it is required for administration of the Food, Conservation, and Energy Act of 2008 (see Pub. L. 110-246, Title III, Subtitle J – Miscellaneous Conservation Provisions). The provisions of appropriate criminal and civil fraud, privacy, and other statutes may be applicable to the information provided. ***RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.***

The U.S. Department of Agriculture (USDA) prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642 (English Federal-relay) or (800) 845-6136 (Spanish Federal-relay). USDA is an equal opportunity provider and employer.

603 Noncompliance

A Noncompliance Cases

Notify participant in writing of noncompliance issue according to 4-CP.

Noncompliance cases shall be handled promptly before CRP payments are made for the year.

COC shall determine whether a participant who is in violation of CRP-1 terms and conditions:

- made a good faith effort to comply
- did **not** make a good faith effort to comply.

B Examples of Noncompliance

COC shall consider a producer to be out of compliance if:

- the approved cover has been harvested or grazed or other commercial use has been made of the forage

  Exception: Managed harvesting, routine grazing, or emergency haying or grazing, as authorized.

- an unauthorized crop, such as an agricultural commodity, has been planted on acreage under CRP-1

- trees have been harvested or sold, or other commercial use has been made of trees, including the shearing or shaping of trees for Christmas trees or removal of pine straw

  Exception: Customary forestry activities are authorized.

- producer conducted an activity on CRP acres without authorization, including unauthorized treatment, such as mowing, spraying, and burning of CRP during the primary nesting or brood rearing season

- the State or local noxious weed commission determines that the participant is violating noxious weed provisions and notifies COC that the noxious weeds are not controlled on the designated acres

- the approved cover has not been maintained according to the conservation plan

603 Noncompliance (Continued)

B Examples of Noncompliance (Continued)

- the producer has not performed required management activities according to the conservation plan
- other undesirable weeds, plants, insects, or pests, as determined by COC, are not controlled on the designated acreage
- a satisfactory cover or a required practice has not been established or re-established within the time prescribed
- the producer has not complied with landlord and tenant provisions
- there has been a scheme or device that tends to defeat the program
- a false claim has been filed
- a violation of the terms and conditions of CRP-1 has occurred.

C Joint and Several Liability

If the farm is in violation of CRP-1 terms and conditions, all signatories to CRP-1 are jointly and severally liable for any payment reduction or refunds that may become due to CCC because of noncompliance.

CRP participants with zero interest in the annual rental payment are not responsible for contract compliance.

D Participant's Good Faith Effort

If COC determines that the participant made a good faith effort to comply with the terms and conditions of CRP-1 and:

- a practice failed because of natural disaster or through no fault of the participant, do not use this subparagraph

  Note: See subparagraph 493 B.

603 Noncompliance (Continued)

D Participant's Good Faith Effort (Continued)

- noncompliance has occurred for reasons other than a practice failing because of natural disaster or through no fault of the participant, COC shall:

  - assess a standard payment reduction on the affected acres not to exceed the annual rental payments for CRP-1 on which the violation occurred

    Note: See subparagraph 604 A.

  - advise the participant that subsequent violations may result in terminating CRP-1.

If noncompliance because of practice failure occurs after the fifth year of CRP-1, COC may determine whether CRP-1 shall be:

- continued without additional C/S, if a permanent cover has failed and adequate cover exists to prevent erosion

  Note: Adequate cover to prevent soil erosion does not satisfy tree planting requirements.

- terminated according to paragraph 571.

When determining whether to terminate CRP-1, COC shall consider factors, such as the age of CRP-1 and the cost-effectiveness of re-establishing the practice.

Example: COC terminates CRP-1 because, in the eighth year of CRP-1, the producer inadvertently applied a herbicide that killed all ground cover.

603 Noncompliance (Continued)

E Good Faith Effort Not Determined

If COC determines there was not a good faith effort to comply with the terms and conditions of CRP-1 and:

- the participant's request for termination of part of the land under CRP-1 was not approved, COC shall terminate **all** land under CRP-1 according to subparagraph 571 A

  Example: Participant has 100 acres enrolled in CRP. Participant requests to terminate part of the acres under CRP-1 to return to crop production. The request is not approved. Producer plants part of the acres under CRP-1 to corn. COC shall terminate all land (100 acres) under CRP-1.

- there was no request to terminate part of the land under CRP-1, COC shall terminate only land in violation according to subparagraph 571 B.

COC **must** determine there is not a good faith effort to comply with the terms and conditions of CRP-1 if:

- unauthorized grazing is discovered and producer refuses to remove livestock from CRP acreage

- unauthorized haying is discovered and producer refuses to destroy or donate the hay

  Note: If the unauthorized hay has already been sold or used by the time the violation is discovered, COC may determine the producer made a good faith effort to comply with the terms and conditions of CRP-1. Burning is not an authorized method for destruction of the hay. Donation must be to a third-party.

- unauthorized planting or harvesting of a crop is discovered and producer refuses to destroy the crop.

  Note: If the unauthorized crop has already been sold or used by the time the violation is discovered, COC may determine the producer made a good faith effort to comply with the terms and conditions of CRP-1.

604 Payment Reductions

A Assessment of Payment Reduction

The participant shall be assessed payment reductions as follows:

- according to 4-CP for maintenance defaults and unauthorized haying or grazing

  Notes: To ensure equity in payment reduction for unauthorized grazing only, COC may:

  - pre-establish payment reduction rates
  - prorate the payment reduction based on the days, weeks, or months the violation occurred.

  See subparagraph 603 E if producer refuses to remove livestock or destroy hay.

- for unauthorized planting or harvesting of a crop, such as annually tilled crops, pine straw, etc., acres in default times current market value times the lesser of the following:

  - established yield for the crop times 2
  - actual yield for the crop times 2

  Note: See subparagraph E if producer refuses to destroy unauthorized crop.

- for unauthorized treatment, such as mowing, spraying, and burning, during the primary nesting or brood rearing season, an amount equal to the annual rental payment for the acreage in violation.

Standard payment reductions shall not exceed the annual rental payments for CRP-1 on which the violation occurred.

When the violation results in termination of acres in violation, participants shall refund payments, according to paragraph 571.

605 Request for Waiver of Payment Reductions

A Waiver or Reduction of Standard Payment Reduction

COC shall:

- authorize a waiver or reduction of the standard payment reduction only if the request is received from participants, in writing

  Note: It is the participant's responsibility to request a waiver or reduction of refunds.

- ensure that participants are provided applicable appeal rights according to 1-APP

- thoroughly document requests for waiver or reduction of standard payment reduction refunds in COC minutes

- submit requests for waiver or reduction of standard payment reduction to STC only if COC determines that the action is justified based on documented and verifiable facts of the individual case

•***--**provide a report of waivers or reductions of the standard payment reduction, no later than December 1 for each FY according to subparagraph B.**--***

Notes: Each case is unique. Determinations shall be made on a case-by-case basis based on the facts of the individual case.

COC's may waive up to 50 percent of the assessed standard payment reduction.

STC shall:

- thoroughly review each request for waiver or reduction of standard payment reduction

- thoroughly document requests for waiver or reduction of standard payment reduction in STC minutes

•***--**provide a report of waivers or reductions of standard payment reduction, no later than December 1 for each FY according to subparagraph B.**--***

Note: Each case is unique. Determinations shall be made on a case-by-case basis based on the facts of the individual case.

STC's may waive up to 100 percent of the assessed standard payment reduction.

605 Request for Waiver of Payment Reductions (Continued)

B Reports

STC's and COC's must provide a report to the State Office of all waivers of the standard *--payment reduction during the previous FY. The report must include the following:--*

- State and county code
- CRP participant name
- CRP contract number
- calculated standard payment reduction amount
- amount waived
- reason waived.

--State Offices must provide a compilation of the STC and COC reports to the CRP program manager no later than December 1 each year.--

The following is an example of the report.

Standard Payment Reduction Waiver Report					
State and County Code	**CRP Participant Name**	**CRP Contract Number**	**Calculated Standard Payment Reduction**	**Amount Waived**	**Reason Waived**
Total			**$**	**$**	

606-625 (Reserved)

Part 18 Permissive and Restrictive Uses of CRP Acres

626 Harvesting Restrictions

A CRP-1 Harvesting Restrictions

No crops of any kind may be harvested from the designated CRP acreage during the CRP-1 period.

Exceptions: Incidental harvest of natural products, such as wild game, fish, native berries, etc., from CRP acreage may be permitted if all of the following are met:

- they do not increase supplies of feed for domestic animals
- the participant receives no economic benefit
- there is no commercial use of the products.

Note: This exception does not include pine straw. See Part 19 for managed haying provisions.

Conservation plan shall **not** be modified for this purpose.

627 Customary Forestry Activities

A CRP-1 Customary Forestry Activities on CRP Acreage

Activities consistent with customary forestry practice, such as pruning, thinning, or timber stand improvement, are allowed. C/S is authorized.

--**Subject to COC or CED approval, CRP participants may make commercial use of forest**--
refuse resulting from customary forestry activities, such as pruning, thinning, or timber improvement, the participant **must** agree to:

- protect the area from erosion by establishing an adequate cover best suited for wildlife in the area

- perform prescribed burn or otherwise treat the forest refuse from thinning or other customary forestry activities on CRP acreage to improve resource condition of the land and enhance wildlife habitat and reduce the spread of insects and disease.

  Example: CRP acreage, including open areas established for wildlife, shall not be used to dump, pile, or leave forest refuse resulting from forestry activity or creation of open areas.

Customary forestry activities, such as pruning, thinning, or timber improvement may be conducted anytime, including during the primary nesting or brood rearing season. The removal or harvest of pine straw is prohibited at all times.

628 Using CRP Acres as Turn Rows

A Using CRP Acres as Turn Rows or Crossing Areas

Limited use of field margins and areas within a field enrolled in CRP is authorized during the primary nesting or brood rearing season only if this activity is conducted as part of the planting, cultivating, or harvesting of a crop in an adjoining field. Use of this acreage shall be:

- limited to turning or crossing areas
- minimal, as determined by STC.

Note: Areas within a field include, but are not limited to:

- waterways
- contour grass strips
- terraces.

CRP acreage shall not be used as a lane or road under any circumstances.

629 Water as Cover

A Water as Eligible Cover

CRP-1 may be continued on land that is under water because of natural causes or as a result of a flood control structure if the participant agrees to all of the following:

- replace the permanent vegetative cover on CRP acres if the water recedes

- not use the impounded water for irrigation water for producing agricultural commodities

- obtain a modified conservation plan from NRCS or TSP that includes the eligible uses that can be made of the acres under water.

Ponds are eligible cover on CRP if they are installed according to subparagraph 429 A.

630 Policy When Easement Placed on CRP Land

A When Easements Are Placed on CRP Land

Land enrolled in CRP that is not encumbered by a CRP useful life easement and is subsequently encumbered by other conservation easements, except for WRP or EWP Floodplain Easements, may continue to earn CRP payments under CRP-1 if the:

- participant continues to comply with CRP provisions
- Agency certifies, in writing, that the:
    - Agency was aware of the existence of CRP-1 at the time the participant agreed to encumber the land
    - participant will be able to comply with CRP provisions.

Notes: Land encumbered by certain conservation easements, such as those placed by FWS and FLP Debt for Nature, is ineligible for subsequent enrollment and contract extension in CRP.

--**See paragraph 554 for transferring land from CRP to WRP, FRPP, GRP, HFRP,**--
and EWP Floodplain Easements.

631 Guidelines for Public Use of CRP Land

A Public Use of CRP Land Guidelines

The following is the procedure for continuing CRP-1 on land temporarily being used by public utilities for installing gas lines, pipes, cable, telephone poles, etc., materials used by an entity of the State for road building or Federally funded pipeline projects.

CRP-1's may be continued without reduction in payment if:

- the participant gives COC or CED details of proposed temporary use, including length of use

- COC authorizes the use

  Note: Use is **not** authorized during the primary nesting season.

- NRCS or TSP certifies usage will have minimal effect, such as:

  - erosion is kept to a minimum
  - minimum effect on wildlife and wildlife habitat
  - minimum effect on water and air quality

- the participant restores cover, at the participant's expense, to disturbed land in timeframe set by COC or CED.

  Note: No payment reduction will be made for compensation received by the participant from the public agency.

NRCS or TSP will determine whether the disturbance will have an adverse effect on the land. If NRCS or TSP determines that public use will have an adverse effect on CRP acreage, affected acreage shall be terminated and refunds assessed.

632 Carbon Sequestration Credits

A Selling Carbon Sequestration Credits

CRP participants may sell carbon sequestration credits associated with land enrolled in CRP. Selling carbon sequestration credits is not considered commercial use and is not, therefore, a violation of CRP-1.

633 Recreational Hunting and Commercial Shooting Preserves on CRP Acreage

A Recreational Hunting

CRP participants may lease hunting rights, charge fees for access to hunters, or conduct other similar hunting operations on CRP acreage if this activity occurs during the normal hunting season for the pursuit of game that is normal to the area. Hunting **must** be conducted consistent with State laws and bag limits for the appropriate game species.

*** * ***

Important: Barrier fencing or boundary limitations that prohibit wildlife access to or from the CRP acreage is **not** allowed.

B Commercial Shooting Preserves

Commercial shooting preserves may be operated on CRP acreage if all of the following apply:

- the commercial shooting preserve is licensed by a State agency, such as the State Fish and Wildlife Agency or State Department of Natural Resources
- the commercial shooting preserve is operated in a manner consistent with the applicable State agency rules governing commercial shooting preserves
- CRP cover is maintained according to the conservation plan
- no barrier fencing or boundary limitations exist that prohibit wildlife access to or from the CRP acreage
- related CRP cover maintenance, as determined by STC according to FOTG and in consultation with the State Technical Committee, **must**:
    - be performed according to the conservation plan
    - provide benefit and enhancement to all wildlife normal to the area

B Commercial Shooting Preserves (Continued)

- be conducted outside the primary nesting or brood rearing season
- not adversely impact the CRP cover
- not degrade wildlife habitat benefits, water quality benefits, or erosion control measures.

Important: STC, in consultation with the State Technical Committee, **must** determine the extent and method of cover maintenance acceptable for all CRP acreage within the State that provides enhancement for all wildlife habitats.

C Mowing of CRP Cover

As provided in paragraph 427, periodic mowing and mowing for cosmetic purposes is prohibited at all times. Annual mowing of CRP for weed control is prohibited. Mowing of CRP cover, not to exceed 20 percent of the total CRP acres in a field, is permitted. This activity **must** be:

- included in the conservation plan
- part of a State-approved management plan for habitat maintenance and wildlife and land management
- conducted outside the primary nesting or brood rearing season.

Note: The location of this mowing should be changed from year to year.

Until a final status review has been completed by NRCS, TSP, or self certified by the producer, COC or CED, in consultation with NRCS, may allow participants to spray and mow the acreage under contract at any time, if this activity is required in the conservation plan to establish the approved cover.

634 Authorized Use

A Authorized Uses of CRP Acreage

COC may determine authorized uses of CRP acreage on a case-by-case basis during the life of CRP-1, except during the primary nesting or brood rearing season, if the use is not otherwise prohibited in procedure.

Example: COC may authorize using CRP acreage for a parking lot for a special event or as a camp site on a limited basis. COC has no authority to authorize the harvesting of forage or trees.

Each request shall be documented in COC minutes with justification for actions taken. Inspection fees or payment reductions may be assessed as determined by COC.

B Beehives on CRP

Consistent with the soil, water, and wildlife goals of CRP, beehives may be stored on CRP acreage.

635 Applying Waste Products on CRP Land

A Application Requirements for Sludge and Agriculture By-Products

COC's may permit the application of sludge or an agricultural by-product on land under CRP-1 if:

- FSA-850 does not reveal any adverse impacts to the human environment that cannot be successfully mitigated

- the participant has sought approval to apply the waste and the waste has been approved, or is not prohibited, by any State or local water quality agency with jurisdiction over the area of application

Note: COC shall consult with State or local water quality agencies on an as needed basis to ensure proper application of the materials.

- all requirements and specifications are met as required by EPA and State and local regulatory authorities that provide oversight for air quality and water quality

- a current soil and waste test analysis that is conducted by a State-approved laboratory determines the nutrient level for the nitrogen, phosphorus, and potassium of the waste and the amount of material to be applied per acre

- the waste will be applied by injection

- the amount of nutrients applied are limited to the level that can be used by the vegetative cover

- the waste is free of toxic elements, or does not contain amounts of toxic elements that could build up over a period of time to a level injurious to animals and humans

- all required State or local permits for applying the waste to agricultural land are obtained by parties responsible for applying the material

- the approved conservation plan is modified to include the entire area or field that will be treated

- the waste will not be applied within 100 feet of property boundaries or water sources, such as wells, streams, rivers, wetlands, or swamps

- the waste will be applied when the wind direction allows minimal odor detection by neighbors and the humidity level is low.

635 Applying Waste Products on CRP Land (Continued)

B Application Requirements for Animal Waste

--**COC's or CED's may permit the application of animal waste, sludge, or agricultural**--
by-product on CRP acreage if NRCS or TSP provides, in writing, that the conservation plan developed meets or exceeds the minimum standards of FOTG. The approved conservation plan shall be modified to include the application of animal waste, sludge, or agricultural by-product.

Note: Soil contaminated with petroleum products or hazardous waste will not be allowed for application on CRP acres.

C Application Restrictions

The amount applied shall not exceed the:

- permitted application rate as determined by the soil and waste test analyses for animal waste, sludge, or agricultural by-products

- quantity specified in the modified conservation plan as determined by NRCS for animal waste, sludge, or agricultural by-products.

The participant **must** agree to re-establish, at the CRP participant's expense, the vegetative cover in the event of failure after application.

The timing of each application should minimize adverse impacts to:

- air quality, including odor
- water quality
- wildlife
- environment
- endangered species.

Note: CRP cover shall not be disturbed during the primary nesting or brood rearing season, as determined by STC in consultation with the State Technical Committee.

635 Applying Waste Products on CRP Land (Continued)

D Participant Responsibility

During and after application of the waste at their own expense, CRP participants shall:

- ensure that erosion is controlled
- re-establish and maintain the disturbed cover for the life of CRP-1.

E Payment Reduction

If producer receives compensation for the use of CRP acres, the annual rental payment shall be reduced by the amount of compensation the producer receives.

636 State Research Projects on CRP Land

A Research Project Applications

State FSA Offices shall notify, in writing:

- each land grant institution within the State that STC shall:
  - review and evaluate applications based on the criteria in subparagraph 636 G
  - ensure that each proposal submitted has been reviewed for relevance and scientific soundness by an independent review committee, such as the State Technical Committee
- Director, CEPD of approved projects within 30 calendar days of project approval. Documentation shall include:
  - description of project
  - number of acres being used
  - expected completion date.

STC may approve up to 5 recommended projects, including projects DAFP previously approved. When considering projects for approval, STC shall avoid approving duplicative projects.

B Recordkeeping

Ensure that a file containing the following is maintained according to 25-AS:

- all land grant institutions notified according to subparagraph A
- all research projects submitted for consideration **regardless** of whether the project was recommended for DAFP approval.

C Annual Reporting Requirement

State FSA Offices with approved CRP research projects shall annually submit, as a memorandum, Status of CRP Research Project Report (CEP-58R) to Director, CEPD. At a minimum, CEP-58R shall include:

- information regarding the progress of project
- anticipated completion date.

636 State Research Projects on CRP Land (Continued)

D Project Proposal Requirements

CRP research project proposals submitted to STC for rating and evaluation shall include a:

- brief summary of the proposed research project
- formal research proposal.

E Project Title

Include "(State) CRP Research Project Proposal" in the title of the research project.

F Background Statement

The background statement in the proposal shall describe the following:

- the conservation or land use problem being addressed
- demographic information, such as number of CRP acres, size of farm units, and number of producers
- conservation and agronomic conditions
- water quality program efforts that exist in the research area, if applicable
- what the problem is, in a concise manner.

636 State Research Projects on CRP Land (Continued)

G Project Objectives

The proposal shall include the research project, and:

- clearly describe what will be accomplished during the research period
- relate to the problem identified in the background statement
- describe what is planned during the research.

The proposed research project shall:

- include objectives that are consistent with CRP purposes
- provide beneficial information on the economically and environmentally sound agriculture practices
- not adversely affect local agricultural markets
- include adequate funding for completing the project from sources other than FSA or CCC
- be conducted and monitored by a bona fide research entity, such as a land grant institution
- be conducted on no more than 640 CRP acres per project.

H Project Research Activities

The procedure section shall describe research activities that will:

- be implemented to accomplish the objectives in subparagraph G
- be organized to reflect a logical sequence of events and activities
- identify dates, time schedules, and deadlines
- define roles of respective agencies
- include a plan for marketing and promoting the project, including public participation.

637 Destroying CRP Cover Before CRP-1 Expiration

A General Policy for Fall-Seeded Crops

Beginning July 1 of the final year of CRP-1, CRP cover may be destroyed on certain acreage before CRP-1 expiration to prepare a seedbed for fall-seeded crops.

This provision requires that participants:

- obtain an approved conservation plan for the destruction of the cover from NRCS or TSP when the method of destruction could cause adverse environmental affects, as determined by NRCS or TSP
- obtain an approved conservation plan for conservation compliance, if applicable
- not be assessed a payment reduction
- submit requests to start this activity according to this paragraph.

Note: See subparagraph:

- D for acreage ineligible for early land preparation
- E for participants' responsibilities.

B General Policy for Spring- Seeded Crops

In the final year of CRP-1, participants are permitted to apply chemicals to prepare certain CRP acreage for spring-seeded crops after the primary nesting season. Destruction of the CRP cover by any other means is not permitted. Seedbed preparation is not permitted before CRP-1 expires.

Notes: Participants may mow CRP acreage before applying chemicals to prepare CRP acreage for spring-seeded crops, if the mowing is conducted outside the primary nesting or brood rearing season.

Participants shall not hay, graze, or otherwise make commercial use of CRP acreage in preparing the acreage for spraying.

637 Destroying CRP Cover Before CRP-1 Expiration (Continued)

B General Policy for Spring- Seeded Crops (Continued)

This provision requires that participants:

- obtain an approved conservation plan for the application of the chemicals from NRCS or TSP when the method of destruction could cause adverse environmental affects, as determined by NRCS or TSP
- obtain an approved conservation plan for conservation compliance, if applicable
- not be assessed a payment reduction
- submit requests to start this activity according to this paragraph.

Note: See subparagraph:

- D for acreage ineligible for early land preparation
- E for participants' responsibilities.

C Early Land Preparation for Fall Seeded Crops - Arid Areas

In the final year of CRP-1, participants in arid areas may destroy CRP cover on certain acreage beginning May 1 if maintaining CRP cover through June 30 could inhibit normal planting of a fall-seeded crop. This special provision for participants in eligible arid areas requires that participants:

- obtain an approved conservation plan for the destruction of the cover from NRCS or TSP when the method of destruction could cause adverse environmental affects, as determined by NRCS or TSP
- obtain an approved conservation plan for conservation compliance, if applicable
- submit requests to destroy CRP cover before July 1 according to this paragraph

637 Destroying CRP Cover Before CRP-1 Expiration (Continued)

C Early Land Preparation Early Land Preparation for Fall Seeded Crops - Arid Areas (Continued)

- be assessed a payment reduction to exclude payment for the period indicated on CRP 1G Addendum, item 3.

Notes: Arid areas are defined as acreage located west of the 100th meridian that receives less than 25 inches of annual precipitation.

See subparagraph:

- D for acreage ineligible for early land preparation
- E for participants' responsibilities.

D Acreage Ineligible for Early Land Preparation

All CRP cover may be destroyed in the final year of CRP-1 for early land preparation, according to subparagraph A, B, or C, as applicable, except for acreage that is:

- devoted to the following practices:
  - CP5, CP5A, CP8, CP8A, CP9, CP13, CP13A, CP13B, CP13C, CP13D, CP14, CP16, CP21, CP22, CP23, CP27, CP28, CP29, and CP30
  - practices on which a useful life easement is filed
- located within an average width 120 feet of a stream or other permanent waterbody to ensure continued habitat for wildlife
- considered a wetland by NRCS
- required to serve as a wetland buffer according to the practice standard in FOTG to protect the functions and values of a wetland
- located within an EPA-designated wellhead protection area
- subject to frequent flooding, as determined by NRCS or TSP.

637 Destroying CRP Cover Before CRP-1 Expiration (Continued)

E Participants' Responsibilities

Determine participants' responsibilities according to the following.

Note: Measurement service is available at the participant's expense for requests to prepare only a portion of the acres under contract.

WHEN participants, in the final year of CRP-1, intend to destroy CRP cover to...	THEN participants...

prepare for spring seeded crops	• shall submit requests on CRP-1G Addendum at any time during the final year of CRP-1
	
	• are required to meet with NRCS or TSP to obtain an approved conservation plan for:
	
	  • the chemical destruction of the CRP cover when the method of destruction could cause adverse environmental effects, as determined by NRCS or TSP
	
	  • conservation compliance, if applicable
	
	• shall not prepare a seedbed for planting before CRP-1 expires
	
	• shall not hay, graze, or otherwise make commercial use of CRP acreage during the CRP-1 period.
	
	Notes: Participants may mechanically remove cover from CRP acreage; however, no commercial use can be made of the forage. The participant **must** pay for a field visit by COC or CED to verify destruction of the cover. *** * ***
	
	All signatories to CRP-1 shall be required to sign CRP 1G Addendum before COC or CED approval.
	
	No payment reduction shall be assessed.

637 Destroying CRP Cover Before CRP-1 Expiration (Continued)

E Participants' Responsibilities (Continued)

WHEN participants, in the final year of CRP-1, intend to destroy CRP cover to...	THEN participants...

prepare a seedbed for fall-seeded crops from either of the following dates:
 	
• May 1 through June 30 in arid areas only
 	
• July 1 through September 30
	• shall submit requests on CRP-1G Addendum at any time during the final year of CRP-1
	
	• are required to meet with NRCS or TSP to obtain an approved conservation plan for:
	
	  • the destruction of the CRP cover when the method of destruction could cause adverse environmental effects, as determined by TSP
	
	  • conservation compliance, if applicable
	
	• may plant fall-seeded agricultural commodities in areas where planting these crops normally occurs before October 1, as determined by STC
	
	• may mechanically remove cover and make commercial use of CRP acreage during the CRP-1 period with a 25 percent reduction of the annual rental payment
	
	Note: Participants may mechanically remove cover from CRP acreage without a reduction of the annual rental payment if no commercial use is made of the forage. The participant **must** pay for a field visit by COC or CED to verify destruction of the cover. *** * ***
	
	• shall receive a reduced annual rental payment for the period indicated on CRP-1G Addendum, item 3
	
	Note: See subparagraph F.
	
	• shall be in violation of CRP-1 if the participants fail to plant a fall seeded crop in a normal manner.
	
	Notes: All signatories to CRP-1 shall be required to sign CRP-1G Addendum before COC or CED approval.
	
	CRP participants requesting to destroy CRP cover to prepare land for planting fall-seeded crops shall be informed that failure to plant a fall-seeded crop in a normal manner is a violation of CRP-1 and may result in a refund of all CRP annual rental payments, plus interest, and liquidated damages.

637 Destroying CRP Cover Before CRP-1 Expiration (Continued)

F Processing Participants' Requests

County Offices shall process participants' requests for early land preparation according to the following.

Step	Action
1	Accept requests on CRP-1G Addendum. See subparagraph G. Ensure that all required signatures are obtained.
2	Ensure that participants meet with NRCS or TSP to develop a conservation plan for: • the destruction of the CRP cover when the method of destruction could cause adverse environmental effects, as determined by NRCS or TSP • conservation compliance, if applicable.
3	Remind participants that approval is for land preparation activities only. However, planting fall-seeded agricultural commodities is permitted when fall planting of these crops normally occurs before October 1, as determined by STC. **Note:** Unauthorized haying and grazing during the contract period are violations of CRP-1.
4	Ensure that participants are aware that no annual rental payment shall be earned for the period indicated on CRP-1G Addendum, item 3. Nonpayment period shall begin on the day land preparation commences, but: •***--no** earlier than May 1**--*** • ends June 30. Enter "N/A" on CRP-1G Addendum, item 3 for requests that do not require a payment reduction. **Note:** The nonpayment period may be for a portion of a month. The payment reduction shall be based on the number of nonpayment days entered on CRP-1G Addendum, item 3.

637 Destroying CRP Cover Before CRP-1 Expiration (Continued)

F Processing Participants' Requests (Continued)

Step	Action
5	Ensure that participants are aware that failure to plant a fall-seeded crop after acreage has been destroyed for such use: • is a violation of CRP-1 • may result in a refund of all CRP annual rental payments, plus interest, and liquidated damages.
6	Attach a copy of an aerial photograph to CRP-1G Addendum. Highlight the acreage on which the cover will be destroyed.
7	Provide each participant and NRCS or TSP with a: • copy of approved CRP-1G Addendum • a photocopy highlighting the acreage on which the cover will be destroyed.
8	File CRP-1G Addendum and attached photocopy in the CRP-1 folder.
9	Immediately approve requests received on eligible acreage.
10	During the normal payment cycle, after October 1, prorate the final payment to exclude payment for the nonpayment period identified on CRP-1G Addendum, item 3.

Note: Participants who want to apply chemicals to prepare eligible CRP acreage for spring seeded crops or destroy eligible CRP cover for planting fall-seeded crops after June 30 will not be assessed a payment reduction.

637 Destroying CRP Cover Before CRP-1 Expiration (Continued)

G Example of CRP-1G Addendum

The following is an example of CRP-1G Addendum.

*--

This form is available electronically.

CRP-1G Addendum (05-03-12) U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency	1. ST. & CO. Code	2. Contract No.
CRP-1 MODIFICATION TO ALLOW EARLY LAND PREPARATION	3. Period of Nonpayment	4. Acres
	5. Farm No.	

6. TERMS TO ALLOW EARLY LAND PREPARATION

This contract modification is entered into by the Commodity Credit Corporation (CCC) and the undersigned participant(s) on the Conservation Reserve Contract number in Item 2 above. By signing this contract modification, the CCC agrees to allow the participants identified below to *(check one)*:

☐ A. Prepare CRP acreage for planting fall seeded crops.

☐ B. Apply chemicals to prepare CRP acreage for spring seeded crops.

The participant(s), in return, agrees:

- To meet with Natural Resource Conservation Service (NRCS) or Technical Service provider (TSP) to develop a conservation plan for land preparation when the method of destruction could cause adverse environmental effect.

For spring-seeded crops:

- To not hay, graze, or otherwise make commercial use of CRP acreage during the CRP-1 period.

For fall-seeded crops:

- To accept a 25-percent reduction in the annual rental rate if the cover is mechanically removed from CRP acreage during CRP-1 period and not destroyed.
- To no reduction in the annual rental payment if cover is mechanically removed from CRP acreage during CRP-1 period and no commercial use is made of the forage. The participant must pay for field visit by COC to verify destruction of the hay.
- To accept a reduced annual rental payment, if applicable, in the final year of the contract.
- To refund all CRP payments plus interest and liquidated damages if a fall seeded crop, if applicable, is not planted in a normal manner on the acreage identified on the attached aerial photograph.

7A. Participant's Signature *(BY)*	7B. Title/Relationship (Individual Signing in a representative capacity)	7C. Date *(MM-DD-YYYY)*
7A. Participant's Signature *(BY)*	7B. Title/Relationship (Individual Signing in a representative capacity)	7C. Date *(MM-DD-YYYY)*
7A. Participant's Signature *(BY)*	7B. Title/Relationship (Individual Signing in a representative capacity)	7C. Date *(MM-DD-YYYY)*

8A. Signature of CCC Representative	8B. Date *(MM-DD-YYYY)*	9. County FSA Office Name and Address (*Including Zip Code)*

10. Telephone Number *(Including Area Code)*:	11. Fax Number *(Including Area Code)*:

NOTE: *The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a - as amended). The authority for requesting the information identified on this form is 7 CFR Part 1410, the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), and the Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246). The information will be used to modify the CRP-1 contract by allowing early land preparation. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated). Providing the requested information is voluntary. However, failure to furnish the requested information will result in a determination of ineligibility to modify the CRP-1 contract to allow early land preparation. The authority for collecting the following information is Pub. L. 107-171.*

This authority allows for the collection of information without prior OMB approval mandated by the Paperwork Reduction Act of 1995. The time required to complete this information collection is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The provisions of appropriate criminal and civil fraud, privacy, and other statutes may be applicable to the information provided. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write to USDA, Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642 (English Federal-relay) or (800) 845-6136 (Spanish Federal-relay). USDA is an equal opportunity provider and employer.

--*

638 Erroneous Eligibility Determinations

A Erroneous Land Eligibility

Land enrolled that is ineligible shall be terminated according to paragraph 571 from CRP-1. Refunds are not required.

B Erroneous Ownership Determination

If it is determined that CRP-1 was approved based on an erroneous ownership or operatorship determination, COC shall:

- not assess liquidated damages
- not require refund of C/S if participant agrees to maintain the practice for the practice's lifespan

  Note: The practice lifespan equals the length of the approved CRP-1.

- not require refund of annual rental payments earned
- allow producers adversely affected to earn the current year's annual rental payment
- terminate affected acres of CRP-1.

Note: If the eligible ownership or operatorship requirement was not met at the time CRP-1 was approved, but is currently met, COC shall not terminate CRP-1.

639 Wind Turbines

A Policy

*--COC **must** authorize the installation of windmills, wind turbines, wind-monitoring towers, or other wind-powered generation equipment on CRP acreage on a case-by-case basis consistent with the statute. COC may approve up to 5.0 acres per contract of wind turbines on CRP acreage provided the environmental impacts have been considered according to subparagraph 367 F, and the installation does not occur during the primary resting or brood-rearing season, as determined by FSA STC in consultation under the State Technical Committee. For authority over 5 acres, COC shall submit a request in writing to CEPD--* through the State Office according to subparagraph 31 A. The 5.0-acre per contract threshold is a cumulative figure that is calculated by totaling the square footage of land area devoted to the footprint of the wind generating device and any firebreak installed around the footprint.

Access roads, transformers, and other ancillary equipment will not be considered in calculating the 5.0-acre per contract threshold. A refund shall apply for acreage terminated for access roads, transformers, and other ancillary equipment. See subparagraph 639 B.

Each request shall be documented in the COC minutes and for cases over 5.0 acres, *--forwarded to CEPD through the State Office, with a copy of the completed FSA-850 signed by SEC included with the request **before** final approval.--*

B Payment Reductions and Refunds

The payment reduction for installation of wind turbines, wind mills, wind-monitoring towers, or other wind-powered generation equipment is determined to be de minimus.

A refund applies to access roads, transformers, and other ancillary equipment terminated from CRP-1.

640-662 (Reserved)

Part 19 Haying and Grazing of CRP Acres

Section 1 Managed Harvesting and Managed Harvesting of Biomass

663 Acreage Eligibility

A Eligible Acreage

Acreage eligible for managed harvesting includes acreage devoted to practices CP1, CP2, CP4B, CP4D, CP10, CP18B, CP18C, and CP38 if included in the approved SAFE proposal. Acreage shall become eligible 12 months after the cover is fully established.

B Ineligible Acreage

Acreage ineligible for managed harvesting includes acreage devoted to:

- useful life easements
- land within 120 feet of a stream or other permanent waterbody
- any practices not listed in subparagraph A.

664 Managed Harvesting Provisions

A General Provisions

Managed harvesting, including harvest for biomass, is authorized no more frequently than 1 out of every 3 years after the cover is fully established.

STC **must** consult with the State Technical Committee:

- to determine appropriate beginning and ending dates for the primary nesting and brood rearing season

- for establishing the frequency of managed harvesting period.

Note: In certain circumstances, States may restrict the amount of acreage that may be harvested as recommended by the State Technical Committee. For example, after consulting with the State Technical Committee, a State establishes that 50 percent of the acreage must be left unhayed for wildlife. States shall report any additional restrictions to CED.

664 Managed Harvesting Provisions (Continued)

A General Provisions (Continued)

If STC's do not establish nesting and brood rearing season and harvesting dates and frequency as recommended by the State Technical Committee, STC **must**:

- submit the dates to CEPD for approval
- include justification to support the dates not recommended by the State Technical Committee
- notify Director, CEPD, each time the primary nesting or brood rearing season or frequency is changed in consultation with the State Technical Committee.

If any State Office wishes to change the primary nesting season beginning or ending date for managed harvesting or frequency, an EA must be completed at their own cost. After completion of EA and issuance of a "Finding of No Significant Impact", the request may be forwarded to CEPD for approval.

Note: This includes those States subject to the NWF Settlement Agreement that have not yet completed EA.

Managed harvesting is authorized for a single period up to 120 calendar days after the end of the primary nesting season. The length of time established shall be included in the locally approved harvesting plan, which is a part of the conservation plan. The primary purpose of this plan **must** be to maintain vegetative cover, minimize soil erosion, protect water quality, and protect wildlife habitat quality.

COC's shall not authorize participants to select their own managed harvesting periods or establish harvesting "windows" greater than the number of calendar days authorized.

Managed harvesting is not authorized during the primary nesting and brood rearing season. Requests for waiver will **not** be granted.

664 Managed Harvesting Provisions (Continued)

A General Provisions (Continued)

Before harvesting, CRP participants:

- shall request approval to harvest eligible acreage
- specify acreage to be harvested for hay for livestock and acreage to be harvested for Biomass
- obtain a modified conservation plan to include harvesting requirements, as determined by NRCS or TSP

Notes: The harvesting plan **must** be site specific and reflect the local wildlife needs and concerns.

Managed harvesting may be incorporated into the conservation plan for new contracts.

- be limited to 1 cutting
- shall not hay or graze the same acreage
- shall not harvest any acreage hayed or grazed under managed, or emergency provisions during the period established by STC in consultation with the State Technical Committee

  Exception: For emergency haying and grazing, see paragraph 693.

- shall not harvest during the primary nesting or brood rearing season
- shall be assessed a payment reduction based on the number of acres actually harvested times the CRP annual rental payment times 25 percent, as applicable
- shall remove all hay or biomass from all CRP fields within 120 calendar days of the end of the primary nesting season
- who do not own or lease livestock, may harvest hay for sale to an eligible livestock producer or sell the hay for biomass

Participants who harvest CRP acreage without approval or fail to follow these provisions will be subject to the noncompliance provisions in paragraph 667.

664 Managed Harvesting Provisions (Continued)

B Participant Provisions

CRP participants shall:

- file a request to harvest CRP acreage before harvesting begins
- take the following actions.

Step	Action
1	Identify the acreage to be harvested for livestock and harvested for Biomass on a GIS-generated map.
2	Obtain a modified conservation plan to include harvesting requirements, as determined by NRCS or TSP. The harvesting plan **must** be site specific and reflect the local wildlife needs and concerns.
3	Record intended use on CRP-117. See Exhibit 47.
4	Sign agreement in Exhibit 48. **Note:** All participants are required to sign the agreement before harvesting begins.
5	***--**Receive notification of approval in writing from COC or CED.**--***
6	Require CRP participants, who harvested CRP acres, to report the number of acres actually harvested, and sign and date CRP-118. See Exhibit 49.
7	Re-establish the CRP cover, at their own expense, if the cover fails as a result of managed harvesting.
8	Be assessed a payment reduction according to paragraph 666.
9	Harvesting shall be limited to 1 cutting.
10	CRP participants **must** remove all hay or Biomass from all fields within 120 calendar days of the end of the primary nesting season.

665 Managed Haying and Grazing PNS Dates and Frequencies

A PNS Dates and Frequencies

The following provides the managed haying and grazing PNS dates and frequencies.

CRP-1 Category	PNS Dates	Frequency	
CRP-1's approved before September 26, 2006, NWF Settlement Agreement	• Use PNS dates in effect before the NWF Settlement Agreement. • Conservation plans may be modified to incorporate PNS dates of FONSI.	• For haying, no more frequency than 1 out of every 3 years. • Conservation plans may be modified to incorporate the frequency of the alternative selected in FONSI.	• For grazing, no more frequency than 1 out of every 3 years. • Conservation plans may be modified to update to the frequency of the alternative selected in FONSI.
CRP-1's approved on or after September 26, 2006, NWF Settlement Agreement	• Use PNS dates required under the terms of the NWF Settlement Agreement. • Conservation plans may be modified to incorporate PNS dates selected in FONSI.	For haying, no more than: • 1 out of every 10 years for AZ, CA, CO, ID, KS, MT, NE, NV, NM, ND, OK, SD, TX, UT, and WY • 1 out of every 10 years (East) and 1 out of every 3 years (West) in OR and WA. Conservation plans may be modified to incorporate the frequency of the alternative selected FONSI.	For grazing, no more frequency than: • 1 out of every 5 years in CO, KS, MT, NE, ND, SD, TX, and WY • 1 out of every 10 years AZ, ID, NV, NM, and UT • 1 out of every 10 years (East) and 1 out of every 3 years (West) in OR and WA. Conservation plans may be modified to incorporate the frequency of the alternative selected FONSI.
CRP-1's approved on or after the date FONSI was published	Use the dates of the alternative identified in FONSI.	Use haying frequencies identified in FONSI.	Using grazing frequencies identified in FONSI.

***--Note:** NWF Settlement Agreement States are Arizona, California, Colorado, Idaho, Indiana, Kansas, Montana, Nebraska, Nevada, New Mexico, New York, North--* Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming. All other States must use the PNS date and frequencies in effect at the time CRP-1 was approved.

666 Payment Reductions

A Reduction Rates

For each applicable year the CRP participant harvested eligible CRP acreage, the CRP 1 annual rental payment shall be reduced by the number of acres actually harvested, times the CRP per acre annual rental payment, times 25 percent.

Notes: The required reduction may be prepaid by participants approved for harvesting and recorded according to 3-FI.

After the annual rental payment scheduled to be made after October 1 of the applicable year is made, producers **must** pay any required reduction according to 3-FI.

667 Compliance

A Required Spot Checks

To ensure that CRP cover is not damaged, wildlife and associated habitat is protected, and participants are complying with harvesting plans, COC's shall spot-check at least 10 percent of the contracts approved for managed harvesting. Spot checks shall be completed within 10 calendar days of the managed harvesting ending date.

B Maintenance Defaults

When unauthorized haying is discovered, see paragraph 603, and use the provisions in the following.

IF the maintenance default is on...	THEN...
less than the reported acreage	compute managed harvesting payment reduction on the determined acreage.
greater than the reported acreage and COC determines the participant made a good faith effort to comply	compute managed harvesting payment reduction on the reported acreage and assess a payment reduction on the acreage in excess of the reported acreage according to paragraph 603.
greater than the reported acreage and COC determines the participant did not make a good faith effort to comply	terminate CRP-1 according to paragraph 571.

668 Reporting Requirements

A Producer Reports

Participants **must** report the number of acres harvested by a date determined by STC.

B County Office Report

County Offices shall report to the State Office by a date determined by STC, the number of CRP:

- contracts in the county
- contracts where harvesting under managed provisions actually occurred
- acres actually harvested under managed provisions.

C STC Report

STC's or designees shall report to CEPD by e-mail to **ra.dcwashing2.crpreports** by November 15, the number of:

- CRP-1's in the State
- CRP-1's harvested for hay for livestock under managed conditions
- CRP acres harvested for hay for livestock under managed conditions
- CRP-1's harvested for Biomass under managed conditions
- CRP acres harvested for Biomass under managed condition.

Note: Negative reports are required.

669 Managed Grazing

A Authority for Managed Grazing

The Food Security Act of 1985, as amended, removed authority for managed grazing.

B CRP Contracts With Existing Managed Grazing Plans

Existing managed grazing plans in CPO are part of the CRP contract and are effective for the life of the CRP contract. CRP participants wishing to switch from managed grazing to routine grazing must modify their existing CPO to permit routine grazing. Managed grazing only applies to CRP contracts approved before July 28, 2010.

670-678 (Reserved)

Section 2 Managed Grazing for CRP Contracts Approved Before July 28, 2010

679 Acreage Eligibility

A Eligible Acreage

Acreage eligible for managed grazing includes acreage devoted to practices CP1, CP2, CP4B, CP4D, CP10, CP18B, and CP18C. Acreage shall become eligible 12 months after the cover is fully established.

B Ineligible Acreage

Acreage ineligible for managed grazing includes acreage devoted to:

- useful life easements
- land within 120 feet of a stream or other permanent waterbody
- any practices not listed in subparagraph A.

680 Managed Grazing Provisions

A General Provisions

STC **must** consult with the State Technical Committee:

- to determine appropriate beginning and ending dates for the primary nesting and brood rearing season

- for establishing the duration and frequency of managed haying and grazing periods.

680 Managed Grazing Provisions (Continued)

A General Provisions (Continued)

If STC's do not establish nesting and brood rearing season and grazing dates and frequency as recommended by the State Technical Committee, STC **must**:

- submit the dates to CEPD for approval
- include justification to support the dates not recommended by the State Technical Committee
- notify Director, CEPD, each time the primary nesting or brood rearing season is changed in consultation with the State Technical Committee.

If any State Office wishes to change the primary nesting season beginning or ending date for managed grazing, an EA must be completed at their own cost. After completion of the EA and issuance of a "Finding of No Significant Impact", the request may be forwarded to CEPD for approval.

Managed grazing is authorized for a single period up to 120 calendar days not to exceed September 30; or for two 60-calendar-day periods not to exceed September 30. The length of time established shall be included in the locally approved Prescribed Grazing Plan, which is a part of the conservation plan. The primary purpose of this plan **must** be to maintain vegetative cover, minimize soil erosion, protect water quality, and protect wildlife habitat quality.

COC's shall not authorize participants to select their own managed grazing periods or establish "windows" greater than the number of calendar days authorized.

Example: COC shall not establish a managed grazing window that allows participant A to conduct managed grazing July 1 through August 31 and allow participant B to conduct managed grazing July 15 through September 13. In this example, the July 1 grazing start date selected by participant A and the September 13 ending date selected by participant B exceeds the 60-calendar-day grazing period.

Managed grazing is not authorized during the primary nesting and brood rearing season. Requests for waiver will **not** be granted.

680 Managed Grazing Provisions (Continued)

A General Provisions (Continued)

Before grazing, CRP participants:

- shall request approval to graze eligible acreage

- obtain a modified conservation plan to include grazing requirements, as determined by NRCS or TSP

Notes: The grazing plan **must** be site specific and reflect the local wildlife needs and concerns.

Managed grazing may be incorporated into the conservation plan for new contracts.

- shall not graze the same acreage

- shall not graze any acreage hayed or grazed under managed or emergency provisions during the period established by STC in consultation with the State Technical Committee or established by the NWF Settlement Agreement

--Exception:** For emergency haying and grazing, see paragraph 693.**--

- shall not graze during the primary nesting or brood rearing season

- shall be assessed a payment reduction based on the number of acres actually grazed times the CRP annual rental payment times 25 percent, as applicable

- shall remove livestock from all CRP fields by a date determined by STC

- who do not own or lease livestock, may rent or lease the grazing privilege to an eligible livestock producer.

Note: CRP participants who rent or lease the grazing privilege to an eligible livestock producer shall:

- inform the County Office of the producer's name
- identify the acreage to be grazed on an aerial photocopy.

680 Managed Grazing Provisions (Continued)

A General Provisions (Continued)

Eligible livestock producers who are renting or leasing eligible acreage from a CRP participant, before any grazing occurs, shall:

- sign a statement that he or she will not sublease CRP acreage
- ***--**receive notification of approval, in writing, from COC or CED.**--***

Note: A copy of the notification shall be given to the CRP participant.

Participants who graze CRP acreage without approval or fail to follow these provisions will be subject to the noncompliance provisions in paragraph 667.

B Participant Provisions

CRP participants shall:

- file a request to graze CRP acreage before grazing begins
- take the following actions.

Step	Action
1	Identify the acreage to be grazed on a GIS-generated map.
2	Obtain a modified conservation plan to include grazing requirements, as determined by NRCS or TSP. The grazing plan **must** be site specific and reflect the local wildlife needs and concerns.
3	Record intended use on CRP-117. See Exhibit 47.
4	Sign agreement in Exhibit 48. **Note:** All participants are required to sign the agreement before grazing begins.
5	***--**Receive notification of approval in writing from COC or CED. Livestock producers who rent or lease acreage from the CRP participant shall: • sign a statement agreeing not to sublease the CRP acreage • receive notification of approval from COC or CED.**--*** **Note:** A copy of the notification **must** be given to the CRP participant.
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 49.
7	Re-establish the CRP cover, at their own expense, if the cover fails as a result of managed haying or grazing.
8	Be assessed a payment reduction according to paragraph 681.
9	CRP participants **must** remove all livestock from all fields by a date to be determined by STC.
10	Grazing shall not be conducted after a date determined by STC.

681 Payment Reductions

A Reduction Rates

For each applicable year the CRP participant grazed eligible CRP acreage, the CRP 1 annual rental payment shall be reduced by the number of acres actually grazed, times the CRP per acre annual rental payment, times 25 percent.

Notes: The required reduction may be prepaid by participants approved for grazing and recorded according to 3-FI.

After the annual rental payment scheduled to be made after October 1 of the applicable year is made, producers **must** pay any required reduction according to 3-FI.

682 Compliance

A Required Spot Checks

To ensure that CRP cover is not damaged, wildlife and associated habitat is protected, and participants are complying with grazing plans, COC's shall spot-check at least 10 percent of the contracts approved for managed grazing. Spot checks shall be completed within 10 calendar days of the ending date determined by STC.

B Maintenance Defaults

When unauthorized grazing is discovered, follow paragraph 603, and use the provisions in the following.

IF the maintenance default is on...	THEN...
less than the reported acreage	compute managed grazing payment reduction on the determined acreage.
greater than the reported acreage and COC determines the participant made a good faith effort to comply	compute managed grazing payment reduction on the reported acreage and assess a payment reduction on the acreage in excess of the reported acreage according to paragraph 603.
greater than the reported acreage and COC determines the participant did not make a good faith effort to comply	terminate CRP-1 according to paragraph 571.

683 Reporting Requirements

A Producer Reports

Participants **must** report the number of acres grazed by a date determined by STC.

B County Office Report

County Offices shall report to the State Office by a date determined by STC, the number of CRP:

- contracts in the county
- contracts where grazing under managed provisions actually occurred
- acres actually grazed under managed provisions.

C STC Report

STC's or designees shall report to CEPD by e-mail to **ra.dcwashing2.crpreports** by November 15, the number of:

- CRP-1's in the State
- CRP-1's grazed under managed provisions
- CRP acres grazed under managed provisions.

Note: Negative reports are required.

684-690 (Reserved)

Section 3 Emergency Haying and Grazing

691 County Eligibility

A Authorization

Emergency haying and grazing of CRP acreage is not:

- intended to be a convenience; rather emergency haying and grazing is generally intended for periods of drought or excessive moisture of such magnitude that livestock producers nationally or across wide-ranging areas are faced with culling of herds or livestock losses

- generally authorized for situations where livestock producers suffer inconveniences in forage availability or prices, because of less than ideal production or over-utilization of acreage not under CRP contract.

Emergency authorization shall be from DAFP or STC determination according to this Section.

B DAFP Authorizations

COC's may request emergency haying or grazing for all or part of a county with STC concurrence through CEPD.

CEPD shall make determinations on a county-by-county basis.

C Applying for National Authorization

County eligibility is based on COC submitting evidence that the county is suffering from a 40 percent or greater loss in normal hay and pasture production, and either of the following conditions exists for:

- drought conditions, precipitation levels indicate an average of 40 percent or greater loss of normal precipitation for the 4 most recent months, plus the days in the current month before the date of request

- excessive moisture conditions, precipitation levels indicate an average of 140 percent or greater increase in normal precipitation during the 4 most recent consecutive months, plus the days in the current month before the date of request.

691 County Eligibility (Continued)

C Applying for National Authorization (Continued)

Emergency haying or grazing shall be confined to the acreage physically located within the boundary of the eligible county, regardless of where the headquarters for the farm is located.

Note: An entire field, which is partially located in an ineligible county, may be hayed or grazed as part of an eligible county.

COC shall submit requests for authorization for emergency haying or grazing of CRP acreage to CEPD, through the State Office. Requests shall include at a minimum the following:

- CRP-42 that was completed according to Exhibit 51
- detailed narrative written description of disaster conditions in the county
- copy of COC minutes and narrative recommendation
- explanation of livestock emergency and justification of need for emergency measures.

When COC is requesting authorization for emergency haying or grazing in only a part of the county, the County Office shall submit the following:

- CRP-42, completed according to Exhibit 51, for the:
  - entire county
  - affected area
- county map clearly showing the part of the county affected by the disaster

  Note: The affected area should be outlined by township boundaries, roads, highways, streams, or other identifiable landmarks.
- detailed written description of disaster conditions in the county.

Note: If the request for part of a county is approved, the part of the county not covered by the request shall not be eligible for haying or grazing of CRP.

691 County Eligibility (Continued)

C Applying for National Authorization (Continued)

COC shall ensure that an eligible livestock producer, to whom the acreage is rented or leased, is located in an approved county or part of a county, as applicable.

All requests and CEPD determinations, and STC determinations, as applicable, shall be recorded in the COC minutes.

COC shall clearly document in the COC minutes the following:

- justification for the request to release CRP for emergency haying or grazing
- monthly review of conditions in the county and the basis used to determine whether continued haying or grazing is warranted.

STC, or designee, shall thoroughly review COC requests for completeness and make a recommendation before submitting requests to CEPD. Failure to submit complete requests with STC, or designee, recommendation will delay the CEPD response.

After CEPD approves COC's request, COC shall notify all participants in the county or part of the county, as applicable, of the authorization to hay or graze CRP acreage by the fastest means possible.

Note: Unless otherwise indicated, all emergency haying authorizations shall end August 31, and all emergency grazing authorizations shall end September 30.

691 County Eligibility (Continued)

D STC Determinations

COC's may request emergency haying or grazing for all or part of a county to STC using the U.S. Drought Monitor.

STC shall:

- make determinations on a county-by-county basis
- report approvals to CEPD by COB each day.

Note: STC approval notification shall be in the following format.

County Name	Date Grazing Approved	Date Haying Approved

STC shall **not** approve counties for emergency haying or grazing based on the U.S. Drought Monitor during the primary nesting and brood rearing season.

***--**STC shall **not** take action to approve counties for emergency haying or grazing based on the U.S. Drought Monitor during the primary nesting and brood rearing season to be effective after the primary nesting season ends.

Exception: STC may take action during the last week of the primary nesting season using the most recent data available from the U.S. Drought Monitor.**--***

STC approvals of emergency haying shall end no later than August 31, and approvals of emergency grazing shall end no later than September 30.

E County Eligibility Criteria for STC Determination

For emergency haying and grazing, county eligibility is based on COC submitting evidence that the county is designated as level "D2 Drought-Severe" according to the U.S. Drought Monitor.

The U.S. Drought Monitor is available on the internet at **http://www.drought.unl.edu/dm/monitor.html**.

691 County Eligibility (Continued)

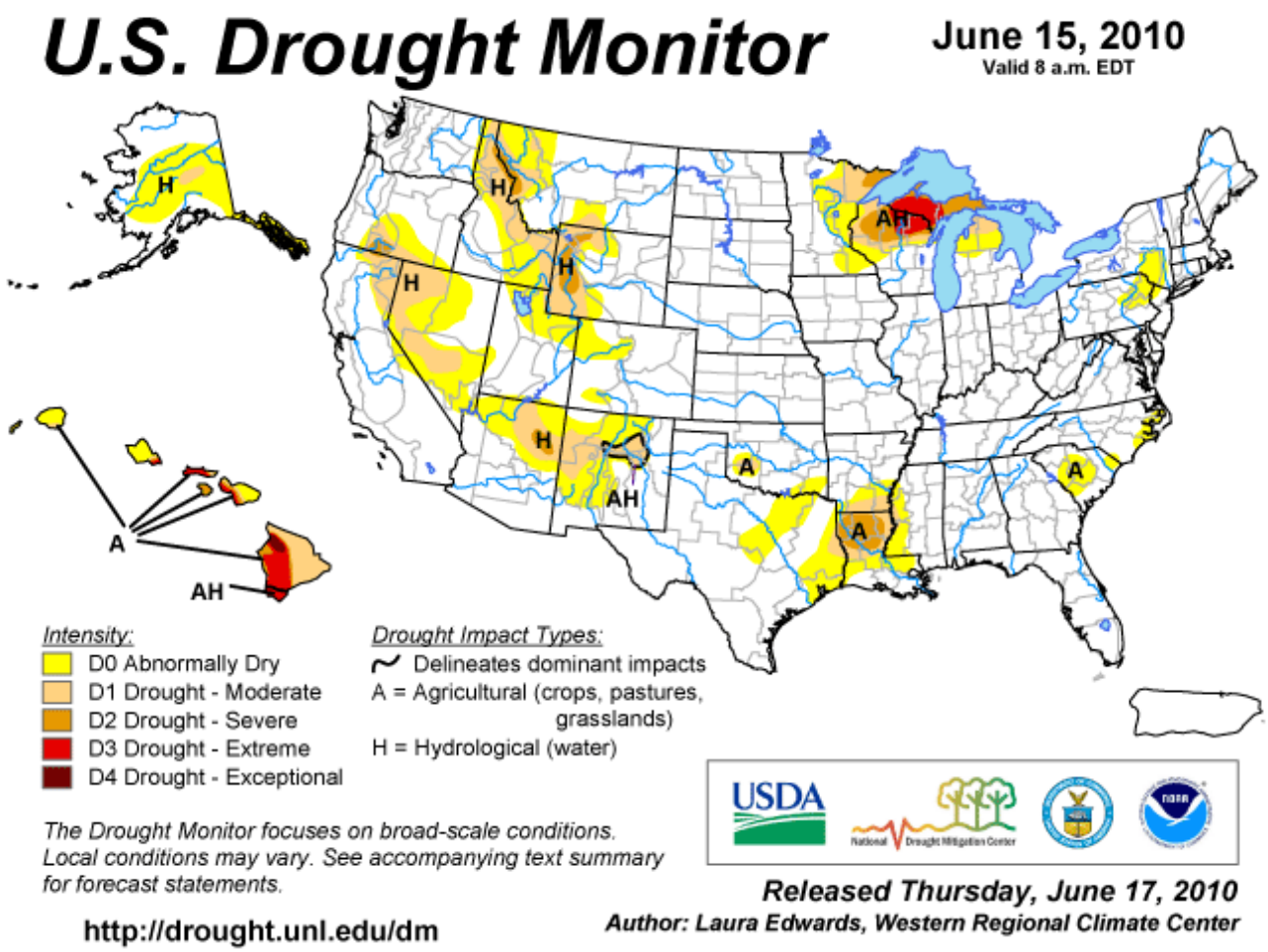
F Example of U.S. Drought Monitor

The following is an example of U.S. Drought Monitor.

Drought Monitor | Forecasts | What's New | Current Conditions | About Us | Archive | Contact Us | Links | Home

The data cutoff for Drought Monitor maps is Tuesday at 7 a.m. Eastern Standard Time. The maps, which are based on analysis of the data, are released each Thursday at 8:30 a.m. Eastern Time.

NOTE: To view regional drought conditions, click on map below. State maps can be accessed from regional maps.



To compare current drought conditions with last week's map, click here.
To view tabular statistics of this week's Drought Monitor, click here.
To view tabular statistics for the Drought Monitor archive, click here.
To view Drought Monitor Change Maps, click here.

691 County Eligibility (Continued)

G Submitting County Request

COC's requesting emergency haying or grazing shall access the Drought Monitor Data Downloads Screen at **http://droughtmonitor.unl.edu/dmshps_archive.htm**. In the center of the screen is a data table. The following is an example of the data table. Each line of the table corresponds to the date of the weekly Drought Monitor Map.

Date	KMZ	Shapefiles		GML	WMS	Statistics		
2011-08-02	KMZ	SHP	Impacts	GML	WMS	U.S.	State	County
2011-07-26	KMZ	SHP	Impacts	GML	WMS	U.S.	State	County

For the applicable week, COC's shall CLICK "**County**" in the "Statistics" column on the table. A spreadsheet will be displayed that lists all States and counties in alphabetical order. The following is an example.

Week	FIPS	County	State	Nothing	D0	D1	D2	D3	D4	ValidStart	ValidEnd
20110802	1001	Autauga County	AL	0	100	100	61.82	0	0	2011-08-02	2011-08-08
20110802	1003	Baldwin County	AL	0	100	100	97.66	0	0	2011-08-02	2011-08-08
20110802	1005	Barbour County	AL	0	100	100	95.06	60.64	0	2011-08-02	2011-08-08
20110802	1007	Bibb County	AL	0	100	100	100	0	0	2011-08-02	2011-08-08
20110802	1009	Blount County	AL	100	0	0	0	0	0	2011-08-02	2011-08-08
20110802	1011	Bullock County	AL	0	100	100	100	0.07	0	2011-08-02	2011-08-08

Scroll down the table to the appropriate State and county. The data within each drought category column represent the percent of the county at each drought level.

Example: Barbour County, Alabama, has:

- 100 percent of the county > "D0" condition
- 100 percent of the county at "D1" or "D0" condition
- 95.06 percent of the county at "D2", "D1", or "D0" condition
- 60.64 percent of the county at "D3", "D2", "D1", or "D0" condition
- 0 percent of the county at "D4" condition.

--**If the county has a value in the "D2", "D3", or "D4" column, then the county is eligible for STC approval of emergency haying and grazing.**--

691 County Eligibility (Continued)

H Haying and Grazing Timeframes

The following are haying and grazing timeframes:

- STC designation for emergency grazing may be for up to 90 calendar days, not to exceed September 30
- STC may authorize one 30-calendar-day extension, not to exceed September 30
- STC designation for emergency haying may be for up to 60 calendar days, not to exceed August 31
- STC may **not** authorize emergency haying extensions.

*** * ***

--Note:** STC shall not approve counties for emergency haying or grazing during the primary nesting and brood rearing season. This authority requires National Office approval.**--

692 Acreage Eligibility

A Eligible Acreage

Acreage eligible for emergency haying or grazing includes acreage devoted to practices CP1, CP2, CP4B, CP4D, CP10, CP18B, CP18C, and CP38 if included in the approved SAFE proposal.

B Ineligible Acreage

Acreage ineligible for emergency haying or grazing includes acreage devoted to:

- useful life easements
- land within 120 feet of a stream or other permanent waterbody
- any practice **not** listed in subparagraph A.

693 Emergency Haying and Grazing Provisions

A General Provisions

Emergency haying or grazing shall be confined to the acreage physically located within the boundary of the eligible county, regardless of where the headquarters for the farm is located.

Note: An entire CRP field, which is partially located in an ineligible county, may be hayed or grazed as part of an eligible county.

Before haying or grazing, CRP participants:

- shall request approval to hay or graze eligible acreage

- obtain a modified conservation plan to include haying or grazing requirements, as determined by NRCS or TSP

  Note: The haying or grazing plan **must** be site specific and reflect the local wildlife needs and concerns.

- shall leave at least 25 percent of each field or contiguous CRP fields ungrazed for wildlife, or graze not more than 75 percent of the stocking rate determined by NRCS or TSP

693 Emergency Haying and Grazing Provisions (Continued)

A General Provisions (Continued)

•***--**shall leave at least 50 percent of each field or contiguous CRP fields unhayed for wildlife**--***

- shall not hay or graze the same acreage

- shall not sell the hay

- shall limit haying to 1 cutting

- shall not hay or graze during the primary nesting or brood rearing season

  Notes: For States listed in the NWF Settlement Agreement, the haying and grazing dates in subparagraph 665 A apply.

  STC shall establish only 1 primary nesting season for managed harvesting, emergency haying and grazing, and routine grazing.

- shall be assessed a payment reduction based on the number of acres actually hayed or grazed times the CRP annual rental rate payment times 25 percent, as applicable

- shall remove all hay or livestock from all CRP fields by a date determined by STC

- who do not own or lease livestock, may rent or lease the haying or grazing privilege to an eligible livestock producer.

CRP participants who rent or lease the haying or grazing privilege to an eligible livestock producer shall:

- identify the acreage to be hayed or grazed on an aerial photocopy.
- inform the County Office of the producer's name.

Eligible livestock producers who are renting or leasing eligible acreage from a CRP participant, before any haying or grazing occurs, shall:

- sign a statement that he or she will not sublease CRP acreage
- receive notification of approval, in writing, from COC or CED.

  Note: A copy of the notification shall be given to the CRP participant.

Participants who hay or graze CRP acreage without approval, or fail to follow these provisions, will be subject to the noncompliance provisions according to paragraph 695.

693 Emergency Haying and Grazing Provisions (Continued)

B Participant Provisions

CRP participants shall:

- file a request to hay or graze CRP acreage before haying or grazing begins
- take the following actions.

Step	Action
1	Identify the acreage to be hayed or grazed on an aerial photocopy.
2	Obtain a modified conservation plan to include haying or grazing requirements, as determined by NRCS or TSP. The haying or grazing plan **must** be site specific and reflect the local wildlife needs and concerns.
3	Record intended use on CRP-117. See Exhibit 47.
4	Sign agreement in Exhibit 52. **Note:** All participants are required to sign the agreement before haying or grazing begins.
5	Leave at least 50 percent of each field or contiguous CRP fields unhayed for wildlife. Leave at least 25 percent of each field or contiguous fields ungrazed for wildlife, or graze no more than 75 percent of the stocking rate determined by NRCS or TSP.
6	***--**Receive notification of approval in writing from COC or CED. Livestock producers who rent or lease acreage from the CRP participant shall: • sign a statement agreeing not to sublease the CRP acreage • receive notification of approval from COC or CED.**--*** **Note:** A copy of the notification **must** be given to the CRP participant.
7	Require CRP participants, who hayed or grazed CRP acres or rented or leased haying or grazing privileges, to report the number of acres actually hayed or grazed, and sign and date CRP-118. See Exhibit 49.
8	Re-establish the CRP cover, at their own expense, if the cover fails as a result of emergency haying or grazing.
9	Be assessed a payment reduction according to paragraph 694.
10	Haying shall be limited to 1 cutting.
11	CRP participants **must** remove all hay from all fields by a date to be determined by STC.
12	Haying shall not be conducted after August 31. Grazing shall not be conducted after September 30.

694 Payment Reductions

A Reduction Rates

For each applicable year the CRP participant hayed or grazed eligible CRP acreage, the CRP-1 annual rental payment shall be reduced by the number of acres actually hayed or grazed, times the CRP per acre annual rental payment, times 25 percent.

Notes: The required reduction may be prepaid by participants approved for haying or grazing and recorded according to 3-FI.

After the annual rental payment scheduled to be made after October 1 of the applicable year is made, producers **must** pay any required reduction according to 3-FI.

695 Compliance

A Required Spot Checks

To ensure that CRP cover is not damaged, wildlife and associated habitat is protected, and participants are complying with haying and grazing plans, COC's shall spot-check at least 10 percent of the contracts approved for emergency haying and grazing. Spot checks shall be completed within 10 calendar days of the ending date determined by STC.

B Maintenance Defaults

When unauthorized haying or grazing is discovered, follow paragraph 603, and use the provisions in the following.

IF the maintenance default is on...	THEN...
less than the reported acreage	compute emergency haying or grazing payment reduction on the determined acreage.
greater than the reported acreage and COC determines the participant made a good faith effort to comply	compute emergency haying and grazing payment reduction on the reported acreage and assess a payment reduction on the acreage in excess of the reported acreage according to paragraph 603.
greater than the reported acreage and COC determines the participant did not make a good faith effort to comply	terminate CRP-1 according to paragraph 571.

696 Reporting Requirements

A Producer Reports

Participants **must** report the number of acres hayed or grazed by a date determined by DAFP.

B County Office Report

County Offices shall report to the State Office by a date determined by STC, the number of CRP:

- contracts in the county
- contracts where haying or grazing under emergency authority actually occurred
- acres actually hayed or grazed under emergency authority.

C STC Report

STC's or designees shall report to CEPD by e-mail to **ra.dcwashing2.crpreports** by a date determined by DAFP, the number of:

- CRP-1's in the State
- CRP-1's hayed or grazed under emergency authority
- CRP acres hayed or grazed under emergency authority.

Note: Negative reports are required.

697-713 (Reserved)

Section 4 Routine Grazing Provisions

714 Restrictive Grazing

A General Restrictions

Except as authorized in this part, CRP acreage shall not be grazed during the CRP-1 period.

Exceptions: Free roaming wildlife may graze CRP acreage.

Grazing of CRP acreage may be authorized under certain conditions, such as an approved grazing plan or DAFP authorization due to widespread drought of other similar national emergency.

715 Acreage Eligibility

A Eligible Acreage

Acreage eligible for routine grazing includes acreage devoted to practices CP1, CP2, CP4B, CP4D, CP10, CP18B, CP18C, and CP38 if included in the approved SAFE proposal. Acreage shall become eligible 12 months after the cover is fully established.

B Ineligible Acreage

Acreage ineligible for routine grazing includes acreage devoted to:

- useful life easements
- land within 120 feet of a stream or other permanent waterbody
- any practices not listed in subparagraph A.

716 Routine Grazing Provisions

A General Provisions

The Food, Conservation, and Energy Act of 2008 added new authority for routine grazing. Because of the new authority, routine grazing frequency and duration must be established. Establishing the frequency and duration or routine grazing requires analysis under NEPA.

STC shall consult with the State Technical Committee to determine routine grazing
--**frequency and duration. States must set frequency and duration for routine grazing for new contracts. If States want to use the frequency and duration that applies for managed grazing, STC may make that decision and then no additional NEPA is required. However, if STC, in consultation with the State Technical Committee, wants something other than the frequency and duration that currently applies for managed grazing, additional NEPA is required.**--

Routine grazing, as authorized, consists of the following 3 activities:

- routine grazing
- routine - permissive grazing
- routine - incidental grazing.

*** * ***

--**If any State Office wishes to change the frequency and primary nesting season dates for**-- grazing, EA's must be completed at their own cost. After completion of the EA and issuance of a "Finding of No Significant Impact", the request may be forwarded to CEPD for approval.

Notes: STC shall establish only 1 primary nesting season for managed harvesting, emergency haying and grazing, and routine grazing.

No changes are authorized to routine permissive grazing or routine incidental grazing as authorized.

716 Routine Grazing Provisions (Continued)

A General Provisions (Continued)

NRCS or TSP shall use NRCS technical practice standard No. 528, Prescribed Grazing, in developing the Routine Grazing Plan. The length of time and frequency established shall be included in the locally approved Prescribed Grazing Plan, which is a part of the conservation plan. The primary purpose of this plan **must** be to maintain vegetative cover, minimize soil erosion, protect water quality, and protect wildlife habitat quality.

Routine grazing is not authorized during the primary nesting and brood rearing season. Requests for waiver will **not** be granted.

Before grazing, CRP participants:

- shall request approval to graze eligible acreage

- obtain a modified conservation plan to include routine grazing requirements, as determined by NRCS or TSP

Notes: The routine grazing plan **must** be site specific and reflect the local wildlife needs and concerns.

Routine grazing may be incorporated into the conservation plan for new contracts.

- shall not hay or graze the same acreage

- shall not graze any acreage hayed or grazed under managed or emergency provisions during the period established by STC in consultation with the State Technical Committee.

  Exception: For emergency haying and grazing, see paragraph 693.

- shall not graze during the primary nesting or brood rearing season

716 Routine Grazing Provisions (Continued)

A General Provisions (Continued)

- shall be assessed a payment reduction based on the number of acres actually grazed times the CRP annual rental payment times 25 percent, as applicable

- who do not own or lease livestock, may rent or lease the grazing privilege to an eligible livestock producer.

  Note: CRP participants who rent or lease the grazing privilege to an eligible livestock producer shall:

  - inform the County Office of the producer's name
  - identify the acreage to be grazed on an aerial photocopy.

Eligible livestock producers who are renting or leasing eligible acreage from a CRP participant, before grazing occurs, shall:

- sign a statement that he or she will not sublease CRP acreage
- *****--receive notification of approval, in writing, from COC or CED.--*****

  Note: A copy of the notification shall be given to the CRP participant.

Participants who graze CRP acreage without approval or fail to follow these provisions will be subject to the noncompliance provisions in paragraph 667.

716 Routine Grazing Provisions (Continued)

B Participant Provisions

CRP participants shall:

- file a request to graze CRP acreage before grazing begins
- take the following actions.

Step	Action
1	Identify the acreage to be grazed on an aerial photocopy.
2	Obtain a modified conservation plan to include routine grazing requirements, as determined by NRCS or TSP. The routine grazing plan **must** be site specific and reflect the local wildlife needs and concerns.
3	Record intended use on CRP-117. See Exhibit 47.
4	Sign agreement in Exhibit 48. **Note:** All participants are required to sign the agreement before routine grazing begins.
5	***--**Receive notification of approval in writing from COC or CED. Livestock producers who rent or lease acreage from the CRP participant shall: • sign a statement agreeing not to sublease the CRP acreage • receive notification of approval from COC or CED.**--*** **Note:** A copy of the notification **must** be given to the CRP participant.
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 49.
7	Re-establish the CRP cover, at their own expense, if the cover fails as a result of routine grazing.
8	Be assessed a payment reduction according to paragraph 666.
9	CRP participants **must** remove livestock from all fields during the primary nesting season.
10	Routine grazing shall not be conducted during the primary nesting season.

717 Payment Reductions

A Reduction Rates

For each applicable year the CRP participant grazed eligible CRP acreage, the CRP annual rental payment shall be reduced by the number of acres actually grazed, times the CRP per acre annual rental payment, times 25 percent.

Notes: The required reduction may be prepaid by participants approved for routine grazing and recorded according to 3-FI.

After the annual rental payment scheduled to be made after October 1 of the applicable year is made, producers **must** pay any required reduction according to 3-FI.

718 Compliance

A Required Spot Checks

To ensure that CRP cover is not damaged, wildlife and associated habitat is protected, and participants are complying with haying and grazing plans, COC's shall spot-check at least 10 percent of the contracts approved for routine grazing. Spot checks shall be completed within 10 calendar days of the ending date determined by STC.

B Maintenance Defaults

When unauthorized grazing is discovered, follow paragraph 603, and use the provisions in the following.

IF the maintenance default is on...	THEN...
less than the reported acreage	compute routine grazing payment reduction on the determined acreage.
greater than the reported acreage and COC determines the participant made a good faith effort to comply	compute routine grazing payment reduction on the reported acreage and assess a payment reduction on the acreage in excess of the reported acreage according to paragraph 603.
greater than the reported acreage and COC determines the participant did not make a good faith effort to comply	terminate CRP-1 according to paragraph 571.

719 Reporting Requirements

A Producer Reports

Participants **must** report the number of acres grazed by October 10.

B County Office Report

County Offices shall report to the State Office by a date determined by STC, the number of CRP:

- contracts in the county
- contracts where routine grazing actually occurred
- acres actually grazed.

C STC Report

STC's or designees shall report to CEPD by e-mail to **ra.dcwashing2.crpreports** by a date determined by DAFP, the number of:

- CRP-1's in the State
- CRP-1's grazed under routine grazing
- CRP acres grazed under routine grazing.

Note: Negative reports are required.

720 Routine Incidental Grazing

A Incidental Grazing

Subject to COC or CED approval, CP8A, CP13C (filter strips), CP15A, CP21, and CP33 may be grazed only if all of the following requirements are met:

- 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

- grazing shall not occur during the primary nesting or brood rearing season, as determined by STC in consultation with the State Technical Committee, for States affected by the NWF Settlement Agreement (subparagraph 665 B)

Note: See paragraph 427.

- all livestock shall be removed from CRP acreage no later than 2 months after incidental grazing begins

- an NRCS or TSP final status review has been completed for the practice that certifies the approved cover has been established

- grazing will not adversely affect the purpose and performance of the practice

- the participant agree in writing to:

  - accept a 25 percent payment reduction for the acreage being grazed

    Note: The required reduction may be prepaid by participants and recorded according to 3-FI.

  - re-establish, at their own expense, any cover destroyed or damaged as a result of this incidental grazing, regardless of recommendations or determinations made by NRCS.

    Note: See Exhibit 54 for CRP-37.

If the acreage to be grazed is separated from the surrounding cropland by a fence, the acreage shall 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 shall not approve Mr. Brown's request.

721 Routine Permissive Grazing

A Routine Permissive Grazing Gleaning

COC's may authorize gleaning of crop residue on acreage enrolled in CRP if all the following requirements are met:

- the acreage is in the first year of 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
- producer agrees, in writing, to:
    - provide adequate cover to prevent soil erosion
    - pay for a field visit to determine if gleaning will be authorized
    - remove all livestock no later than 2 months after gleaning begins.

B Example

Jim has an approved 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 Jim to allow livestock to glean the acreage after October 1 (the effective date of the contract), provided the conditions in subparagraph A are met.

722-740 (Reserved)

Section 5 Prescribed Grazing Provisions

741 Prescribed Grazing

A Prescribed Grazing

Prescribed grazing is authorized where kudzu or other invasive species have infested CRP acreage:

- according to NRCS technical practice standard No. 528, Prescribed Grazing
- not to exceed 30 calendar days between May 1 and September 1
- for not more than a total of 3 consecutive years during the life of CRP-1.

Requests to graze kudzu or other invasive species **must** be in writing before COC may authorize grazing on the CRP acreage.

Note: Requests **must** identify the invasive species and dates acreage will be grazed.

A payment reduction shall **not** be assessed for prescribed grazing.

B County Office Action

COC shall consult FS or other natural resources agency before approving requests to graze kudzu or other invasive species invested acreage.

Note: Conservation plan shall not be modified by NRCS for this purpose.

Applicable County Offices:

- shall inform producers of the kudzu and other invasive species grazing provisions

- shall **not** reduce the annual rental payment for prescribed grazing

- may approved subsequent requests by the same CRP participant

  Note: COC shall approve each request.

- shall spot check CRP-1's approved for kudzu or other invasive species grazing to ensure that livestock are not grazing more acreage or longer than authorized.

742 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.

Haying and Grazing Provisions Table		
Type/Provisions Activity/For	**Components**	**Percent Payment Reduction**
Managed Harvesting for Hay	• Acreage devoted to practice CP1, CP2, CP4D, CP10, CP18B, CP18C, or CP38E. If included in the approved SAFE proposal. • No more frequently than 1 in 3 years. See paragraph 665. • Emergency haying or grazing restarts the clock. • Not authorized during the primary nesting season. • Up to 120 calendar days after the end of the primary nesting season. • Request approval before harvesting eligible acreage. • Spot-check 10 percent of contracts approved.	25
Managed Harvesting for Biomass	• Acreage devoted to practice CP1, CP2, CP4D, CP10, CP18B, CP18C, or CP38E. If included in the approved SAFE proposal. • No more frequently than 1 in 3 years. See paragraph 665. • Emergency haying or grazing restarts the clock. • Not authorized during the primary nesting season. • Up to 120 calendar days after the end of the primary nesting season. • Request approval before harvesting eligible acreage. • Spot-check 10 percent of contracts approved.	25

742 Summary of Haying and Grazing (Continued)

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

Haying and Grazing Provisions Table		
Type/Provisions Activity/For	**Components**	**Percent Payment Reduction**
Managed Grazing for Contracts Approved Before July 28, 2010	• Acreage devoted to practice CP1, CP2, CP4D, CP10, CP18B, CP18C, or CP38E, if included in the approved SAFE proposal. • No more frequently than 1 in 3 years. See paragraph 665. • Emergency haying or grazing restart the clock. • Not authorized during the primary nesting season. • Up to 120 calendar days after the end of the primary nesting season. • Request approval before grazing eligible acreage. • Spot-check 10 percent of contracts approved.	25
Emergency Haying	• Acreage devoted to practice CP1, CP2, CP4D, CP10, CP18B, CP18C, or CP38E. If included in the approved SAFE proposal. • Shall leave 50 percent of field or contiguous fields unhayed. • Shall not sell the hay. • Authority ends August 31. • Request approval before haying eligible acreage. • Spot-check 10 percent of contracts approved.	25
Emergency Grazing	• Acreage devoted to practice CP1, CP2, CP4D, CP10, CP18B, CP18C, or CP38E. If included in the approved SAFE proposal. • May graze 75 percent of field or contiguous fields, or graze entire field or contiguous fields at no more than 75 percent of the stocking rate. • Authority ends September 30. • Request approval before grazing eligible acreage. • Spot-check 10 percent of contracts approved.	25

742 Summary of Haying and Grazing (Continued)

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

Haying and Grazing Provisions Table		
Type/Provisions Activity/For	**Components**	**Percent Payment Reduction**
Routine Grazing	• Acreage devoted to practice CP1, CP2, CP4D, CP10, CP18B, CP18C, or CP38E, if included in the approved SAFE proposal. **Note:** CP10 is only eligible for contracts approved before March 14, 2011. • STC shall consult with the State Technical Committee to determine routine grazing frequency and duration. See subparagraph 716 A. •*--Emergency haying or grazing restarts the clock.--* • Not authorized during the primary nesting season. • Request approval before grazing eligible acreage. • Spot-check 10 percent of contracts approved.	25
Routine Grazing - Incidental	• Acreage devoted to practice CP8A, CP13C, CP15A, CP21, or CP33. • Incidental to gleaning crop residue in the surrounding field or before harvest of a small grain. • Not authorized during the primary nesting season. • Authorized up to 60 calendar days after the start of incidental grazing. • Request approval before grazing eligible acreage. • Spot-check 10 percent of contracts approved.	25

742 Summary of Haying and Grazing (Continued)

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

Haying and Grazing Provisions Table		
Type/Provisions Activity/For	**Components**	**Percent Payment Reduction**
Routine Grazing - Permissive	• Acreage is in the first year of the CRP contract. • Acreage was devoted to an agricultural commodity before enrollment into CRP. • Mechanical harvesting not completed in time to glean the crop residue before the effective date of the CRP contract. • Gleaning the crop residue will not delay establishment of the approved cover. • Authorized up to 60 calendar days after the start of permissive grazing. • Request approval before grazing eligible acreage. • Spot-check 10 percent of contracts approved.	*--0--*
Prescribed Grazing	• Authorized where Kudzu or other invasive species has infested CRP acreage. • Must be grazed according to NRCS technical practice standard 528, Prescribed Grazing. • Not to exceed 30 calendar days between May 1 and September 1. • Authorized for no more than 3 consecutive years during the life of the CRP contract. • Request approval before grazing eligible acreage. • Spot-check 10 percent of contracts approved.	0

743-770 (Reserved)

Part 20 CREP

771 General CREP Information

A Background

On February 19, 1997, CCC issued a final rule in 7 CFR 1410.50(b) that provides that CCC may enter into agreements with States to use CRP to cost-effectively further "specific conservation and environmental objectives of that State and the nation."

CREP has been established to provide a flexible and cost-effective means to address agricultural resource problems by targeting Federal and State resources to specific geographic regions of substantial environmental sensitivity for a 10- to 15-year period.

CREP as part of CRP is administered under the same statutes and Federal regulations. Administration and management of CREP at the national level is the responsibility of the FSA CREP Program Manager. After CREP agreements are entered into with State governments or Indian Tribes, eligible cropland and marginal pastureland may be offered and enrolled on a continuous signup basis. *** * *** The State CREP supplement to 2-CRP is drafted by the FSA State Office after the CREP agreement is signed by the Secretary and the State Governor and **must** receive approval by the Program Manager before publication.

***--Notes:** CREP policies and procedures generally adhere to those of CRP's continuous signup except where modified by specific provisions outlined in CREP agreements and related State supplements to this handbook.

Payments for CREP CRP-1 participants must adhere to the written CREP agreements. Changes made in PIP/SIP/WRI for CRP's general and continuous signup do not automatically apply to CREP's unless those agreements indicate that these payments shall be made "according to 2-CRP" or "consistent with National CRP directives" or similarly worded reference. CREP agreements which include specific payment provisions such as "25% WRI hydrology restoration payments shall be paid for practices CP23 and CP23A" must be adhered to as written unless amended by a modified CREP agreement and State directive.**--***

771 General CREP Information (Continued)

B CREP Primary Goals

The primary goal of CREP is to establish a unique CRP program initiative through which the resources of both a State or Tribal government, or NGO, and CCC/FSA can be targeted in a coordinated manner to address specific high priority conservation and environmental objectives of that State and the nation.

CREP agreements are to be designed for specific geographic areas within a State that have been adversely impacted by agricultural activities through the use of approved conservation buffer and related practices. CREP conservation practices **must** be designed to achieve substantial on-site and off-site natural resource benefits targeting 1 or more of the following goals:

- restore/establish wildlife habitat
- enhance water quality
- reduce soil erosion
- enhance air quality
- restore/establish wetlands
- promote conservation forestry
- increase control of critical invasive species
- enhance critical threatened and endangered plant and animal species survival
- achieve a net water savings in ground and/or surface waters and conserve energy.

The achievement of multiple natural resource benefits through CREP contracts is strongly encouraged.

Important: All cropland and marginal pastureland proposed for a CREP project **must** meet all eligibility criteria according to paragraph 151. CREP agreements **cannot**:

- be used to create new categories of eligible land, or modify cropping history or producer eligibility provisions in paragraph 151

- provide for FSA to exceed total county cropland limits, unless standard 25 percent waivers are approved as outlined in paragraph 81

- be used to assist State and/or local governmental agencies toward meeting requirements of a court order, settlement agreement, or other legal mandate.

C USDA Assistance

To meet CREP goals, USDA provides financial, educational, and technical assistance to help producers voluntarily implement conservation practices that will enhance the environment in an economically efficient manner. This assistance will be provided after a CREP agreement is signed by the State Governor, or designee, or Tribal Representative and the Secretary of Agriculture, or designee, to implement a State's CREP.

772 CREP Proposal Overview

A New CREP Project Development Stages

--The implementation of a new CREP program typically has the following 7 general stages.--

Stage	Development
1	State CREP partners identify natural resource concerns, identify a solid State funding commitment, and draft a written CREP proposal for submission to the Program Manager. * * *
2	Program Manager and National CREP Review Team will review the proposal and provide written comments to State CREP partners. Subsequent negotiation with State CREP partners may also be conducted to resolve outstanding issues.
3	State CREP partners will develop a Draft CREP Agreement outlining the legal provisions of the proposed State CREP Program and submit to the Program Manager. The Program Manager, National CREP Review Team, and USDA-OGC will review the draft agreement and provide all necessary agreement wording changes back to the State CREP partners. **Note:** In most cases, CREP agreement drafts are updated through cycles of review and refinement between State CREP partners and National CREP Review Team/OGC negotiations.
4	After full agreement and consensus is achieved among State CREP partners and between State CREP partners and the Program Manager, a Final CREP Agreement is prepared by State CREP partners and submitted to the Program Manager for USDA-OGC approval.
*--5	The FSA State Office, in consultation with State CREP partners, must: • submit a CREP project area shapefile for the new CREP project area **Note:** A separate shapefile must be submitted to CEPD for each project area. • consult CEPD to ensure that the shapefile format is consistent with all CREP shapefiles.--*
6	After the final agreement is signed by the Secretary of Agriculture and the Governor, the FSA State Office drafts and submits a State supplement to 2-CRP to the Program Manager for approval.
7	The State and County FSA Offices, PAS, and State CREP partners conduct outreach/promotional activities, issue local press releases and fact sheets, conduct training, and announce CREP program signup.

772 CREP Proposal Overview (Continued)

A New CREP Project Development Stages (Continued)

CREP proposals **must**:

- address a recognized resource conservation concern of State and national significance, and demonstrate the ability to achieve substantial environmental benefits in a cost-effective manner

- present clear program goals with measurable natural resource/environmental protection targets reflecting the anticipated level of benefits the program will achieve when fully enrolled

  Example: The project may include a reduction in nitrogen loading to rivers and streams by 2,000,000 pounds from the current level when enrollment goals are reached.

- provide for a substantial financial commitment by State CREP partners

  Notes: This commitment shall be not less than 20 percent of the total project cost. In addition, not less than 10 percent of the total project cost (1/2 of this 20 percent) **must** be provided by State CREP partners in the form of either of the following:

  - direct new payments to program participants
  - new funding for a CREP project.

  Total cost of the CREP project is the sum of all Federal and State direct payments to participants plus all approved State In-Kind contributions.

  State partners may use funds from other Federal sources towards the required 20 percent partner contributions provided that the Federal dollars are **not**:

  - cost-share for practice establishment
  - derived from USDA.

  Note: Funds from other Federal sources **cannot** be used to meet required 20 percent State partner contributions unless written approval is obtained from the Federal source and submitted to the CREP Program Manager.

772 CREP Proposal Overview (Continued)

A New CREP Project Development Stages (Continued)

The following costs may **not** be counted towards the State 20 percent contribution of the total project cost for CREP:

- any funds offered from groups or individuals for CREP which are conditionally provided only if participants agree to enter into agreements to sell, lease or transfer carbon/timber/grazing, etc., back to the group or individual
- participant's portion of the cost to establish and maintain practices
- cost incurred by:
  - USDA or TSP to provide administrative or technical assistance for individual offers/contracts/plans
  - State partners outside the CREP project area
  - State partners in the CREP project area which are not targeted to achieve the same primary natural resource benefits as the CREP project
  - State partners before the CREP agreement is signed except for cost incurred because of the an environmental assessment and/or biological assessment
  - State partners to conduct an agreement signing ceremony
  - State partners after the CRP contracts expire
  - other State partner costs determined by USDA to be unsuitable.

- provide detailed project cost analysis with proposed total Federal and State CREP partner outlays needed to support the request

  Note: State project cost analysis shall include but is not limited to the following:

  - USDA and State partner costs for re-enrolling expiring CRP acreage in the project
  - the net present value of Federal CRP rental payments and proposed annual State incentives using the discount rate required by OMB according to Circular A 94 if such payments are not expected to be outlaid in the first 2 years after the contracts are approved. Current rates posted at **http://www.whitehouse.gov/omb/circulars/a094/a94_appx-c.html**.

772 CREP Proposal Overview (Continued)

A New CREP Project Development Stages (Continued)

- be consistent with the CRP statute and regulations

- provide for interagency cooperation and provide detailed evidence of State and local agency, producer group, general community, and NGO support for the project, including letters of support, etc.

--Note:** Copies of letters or other statements from local groups reflecting concerns or opposition obtained during this review stage, if any, must also be submitted.**--

- provide a detailed quantifiable monitoring and evaluation component to measure the success of the project

- provide appropriate surveys, maps (including GIS maps), GIS shape file of the project area, tables, and reports supporting the proposal

- provide detailed quantifiable and statistical analysis justifying all incentives and payments

  Example: Provide a spreadsheet and narrative summary providing a cost comparison of opportunity costs and indicating incentives needed to replace some of the opportunity costs forgone.

- provide detailed analysis of the technical and administrative assistance needs and evidence of sufficient staff resources to meet the needs.

  Note: See CREP proposal outline requirements in paragraphs 775 through 777.

B New Proposal Development/Approval Process

State CREP partners (including Tribal governments):

- develop the detailed CREP proposal after on-going consultation with appropriate FSA and other Federal agencies and any non-Federal partners participating in the proposal

- submit the proposal to the Secretary with a formal cover letter from the Governor's or Tribal office, or the appropriate designee, summarizing the project and requesting approval and also a copy to CEPD, attention CREP Program Manager, for review and comment.

After receiving a proposal, the National CREP Review Team will review the proposal and provide written comments to the State agency or Tribal representative. The State or Tribal representative should respond, in writing, addressing questions or issues raised.

772 CREP Proposal Overview (Continued)

C Compliance with NEPA and Related Statutes, Executive Orders, and Departmental Regulations

During the initial stages of the CREP proposal development, FSA SEC is responsible for ensuring that a programmatic EA be developed and used by State CREP partners as a CREP policy-development tool to ensure that potential environmental impacts are fully considered before the drafting of the Final CREP Agreement. It is the responsibility of CREP partners to fully fund the EA process in coordination with FSA's National Environmental Compliance Manager.

The draft EA **must** be:

- started and completed as early in the policy development stage as possible
- forwarded by the SEC to FSA's National Environmental Compliance Manager for review and comment
- made available for 15 calendar days for public review by publishing a notice of availability of the draft EA in the areas to be affected by the CREP Agreement
- redrafted to include any comments received during the public comment period in the preparation of the final EA.

The final EA **must** be:

- forwarded by SEC to FSA's National Environmental Compliance Manager for review and comment
- used to develop FONSI if no significant adverse environmental impacts are noted
- made available for 15 calendar days for public review by publishing a notice availability of the final EA and FONSI in the areas to be affected by the CREP Agreement.

Note: Contracts cannot be approved until the NEPA process is completed.

772 CREP Proposal Overview (Continued)

D Preparing the Draft CREP Agreement

Through ongoing negotiations, State CREP partners, National CREP Review Team, and Program Manager will work to resolve all outstanding issues raised by the CREP proposal. After the Program Manager indicates that the CREP proposal is viable**,** State CREP partners will be asked to prepare the Draft CREP Agreement.

The draft CREP Agreement **must**:

- be developed after the Program Manager indicates the CREP proposal is viable
- be submitted for review and comment to the Program Manager with a cover letter summarizing the project and requesting approval
- be reviewed and subsequently approved by the Program Manager
- explicitly state that the NEPA process was completed and a FONSI was issued
- be reviewed by USDA-OGC and approved for legal sufficiency before the Agreement is signed.

Note: The draft CREP Agreement may need to be edited and resubmitted more than once by State CREP partners before approval by the Program Manager.

E Handling Final CREP Agreements/Signing Events

Upon receiving approval of the draft CREP Agreement by the Program Manager, State CREP partners may coordinate and host any ceremonies for the signing of the final CREP Agreement document with the Secretary's office.

Note: Contact with the Secretary's appointment scheduler should be initiated as early as possible to timely schedule an appropriate signing event or signing ceremony.

For the signing, at least 2 copies of the final CREP Agreement **must** be prepared. One original signed document shall be forwarded to CEPD, attention CREP Program Manager, within 14 calendar days. All remaining original signed documents may be retained by the State or Tribal representative, as applicable.

The final CREP Agreement becomes effective after obtaining Governor or Tribal representative and the Secretary of Agriculture, or designee signatures. A witness page may also be developed and signed along with the CREP Agreement by other attendees; however, this page is not formally part of the CREP Agreement.

FSA State Offices, in consultation with the State CREP partners and PAS, shall draft a State CREP Fact Sheet, news release, and questions and answers for distribution after the final CREP Agreement is signed. These releases should include a "Signup Start Date". CEPD shall arrange for the posting of copies of these items on FSA's public web site for general access.

772 CREP Proposal Overview (Continued)

F Addendums to Existing CREP Agreements

Addendums to existing CREP Agreements **must** be coordinated with all State CREP partners and Program Manager and:

- submitted to DAFP, attention Program Manager, including a cover letter summarizing the project changes and requesting approval

- include additional updated detailed project cost analysis, with adjusted Total Federal and State Partner outlays for any project changes proposed that will impact outlays to ensure the 20 percent State funding provisions of subparagraph A will continue to be met

- include any updated NEPA documents as determined necessary by FSA's National Environmental Compliance Manager

  Note: Updated NEPA documents **must** be funded by CREP partners.

- submitted with sufficient analysis and documentation justifying the changes including any new GIS and other appropriate maps, new practice provisions, payment provisions, etc.

--Note:** For amendments to existing CREP agreements where the project area will change, follow shapefile requirements in subparagraph A, step 5.**--

- reviewed by the National CREP Review Team

- approved by the Program Manager

- reviewed by OGC for legal sufficiency.

After tentative approval by the Program Manager, a minimum of 2 addendum documents **must** be signed by FSA-DAFP and by the manager of the lead State Partner agency, or State Governor if required by State law. One original CREP addendum shall be retained by the National Office and all other original documents may be retained by the applicable State or Tribal office for record keeping purposes.

Notes: Additional State supplements to 2-CRP and County FSA training may also be needed to support addendums to CREP agreements.

--**No lands may be enrolled under the provisions of the approved addendums until USDA's CREP Program Manager approves a detailed State amendment to national CRP directives, which will provide a thorough description of CREP policies.**--

772 CREP Proposal Overview (Continued)

G CREP Outreach

SED's shall contact key representatives of the State government and Tribal Representatives offer to make a general presentation on CREP.

FSA State Offices shall notify representatives of the State Technical Committee and commodity, environmental, and other potentially interested groups of the availability of CREP.

The FSA National Office will work with interested parties in determining the viability of CREP proposals. However, the State CREP partners are responsible for proposal development.

Note: Brochures, pamphlets, and a brief slide show outlining CREP are available upon request to FSA State and County Offices to assist in outreach activities. Contact PAS to receive a list of outreach materials.

773 CREP CCC Payment Policy

A Maximum Payment Rate (Per Acre) Payment Policy

Soil rental rates used in maximum rental payment rate calculation for CREP contracts shall be determined according to Part 5. Except as provided for in subparagraph B, all maximum payment rates shall be based on approved nonirrigated cropland soil rental rates or marginal pastureland rental rates.

Note: Eligible cropland that is irrigated may be offered for CREP under nonirrigated rental rates unless irrigated rates are authorized under the agreement.

Incentive rates shall be set at levels consistent with those provided for in this handbook and the CREP agreement.

Higher incentive rates may be determined necessary by State CREP partners to achieve program participation for any practice; they **must** be thoroughly justified in the CREP proposal.

States or other entities **must** provide additional annual or lump-sum payments for CREP. These payments may be included as part of the State 20 percent matching funds.

Note: FSA will not manage, disburse, account for, or report any non-Federal CREP monies or payments.

Maintenance rates used in maximum payment rate calculations shall be set at levels consistent with procedure as provided in this handbook.

B Irrigated Rental Rates

CREP proposals may include requests to offer irrigated rental rates for eligible irrigated cropland and/or irrigated marginal pastureland to achieve targeted groundwater and/or surface water savings. In addition to water savings, CREP proposals which target irrigated land enrollment should also, to the extent practicable, be formulated to achieve energy conservation, water quality, wildlife habitat, and erosion reduction benefits.

Note: Lands determined as irrigated **must** meet all eligibility requirements according to paragraph 151. In addition, irrigated cropland **must** have been irrigated with at least ½ acre/foot for 4 of the 6 year 2002-2007, and, **must** at the time the offers are submitted be legally and physically capable of being irrigated in a normal manner.

773 CREP CCC Payment Policy (Continued)

B Irrigated Rental Rates (Continued)

Irrigated rental rates **must** be approved before CREP signup. Irrigated rental rates shall only be approved for those CREP proposals targeting water savings for which adequate assurance that substantial water conservation can be achieved and to address a recognized environmental concern.

The State CREP partners **must** provide in the proposal sufficient support justifying irrigated rental rates. The CREP proposal **must** include:

Item	Description
1	Specific project details including but not limited to: • GIS and other applicable maps outlining the proposed irrigated CREP geographic area, including watersheds • expected irrigated total cost of the program • summary table projecting expected irrigated and nonirrigated acres enrolled by practice • offer ranking process proposed, if applicable • provisions for the inclusion of any nonirrigated acreage proposed.
2	Justification for the per acre costs based on expected per acre/foot of water saved in comparison to alternative methods to achieve water savings such as calibration of nozzles, re-leveling, EQIP dryland conversion projects, including a table of per acre foot of water savings compared to other water conservation options.

773 CREP CCC Payment Policy (Continued)

B Irrigated Rental Rates (Continued)

Item	Description

3	An Irrigation Water Management Plan that contains a detailed description of how the State will ensure that water conserved due to irrigated land enrollment will achieve natural resource benefits and not be used elsewhere for commercial purposes.
	
	Irrigation Water Management Plans **must** include:
	
	• an outline of the specific irrigation water management techniques proposed by the State CREP partners to achieve water savings; these techniques **must** include 1 of the following:
	
	  • the permanent purchase of water allocations/rights for the land enrolled in CREP by the local water authority from the participating landowners
	
	  • the temporary lease of water allocations/rights for the land enrolled in CREP using a specialized lease between local water authorities and the participating landowners
	
	  • the temporary cessation of irrigation water use and conservation of related saved water for the land enrolled in CREP through a specialized water use contract between local water authorities and the participating landowners
	
	  • similar permanent or temporary arrangements formally agreed to between local water authorities and the participating landowners which achieve water use cessation and water conservation objectives for the land enrolled in CREP
	
	  Note: Any temporary water arrangements with participants **must** provide for the discontinuation of water use for the enrolled land covering the life of the CREP contract, and provide a guarantee of the return of those water rights/allocations upon termination of the CRP contract, unless longer-term provisions are otherwise explicitly provided for.
	
	• strict State/local moratoriums (or related restrictions) on new water withdrawals and uses and/or State waterbanking or similar water pooling programs in the applicable region that ensure the overall water savings goals will not be offset by new water withdrawals or nonconserving uses of saved water

773 CREP CCC Payment Policy (Continued)

B Irrigated Rental Rates (Continued)

Item	Description
3 (Cntd)	• provisions under which only State/local authorities continue to manage water and water rights and must **not** contain any USDA, CCC, or FSA water or water rights management responsibilities or requirements **Important:** USDA/CCC will not buy, lease, or otherwise hold water rights leases or agreements. • a thorough description of the proposed water savings monitoring, evaluation and annual reporting component • estimates of energy conservation goals/objectives for energy saved because of water pumping reductions • provisions, if applicable, for temporary irrigation needed to establish the vegetative cover during early stages of the CREP contract.

C C/S Assistance for Conservation Practices

The provisions for C/S payments for CREP practices shall adhere to those established for other CRP C/S according to this handbook.

States or other entities may provide additional C/S assistance or in-kind services. Other Federal agency C/S is subject to the provisions of Part 15.

Federal C/S to develop public access habitat improvements under the provisions of the 1985 Act, Section 1240R is not authorized.

Important: C/S payments from all sources may not exceed 100 percent of the participant's practice installation cost. PIP and incentive to restore hydrology payments, although practice-related, are not C/S payments.

D CCC "One-Time" Incentive Payments

PIP, SIP, and incentive to restore hydrology for wetland restoration practices incentive payments may be included in a CREP Proposal and agreements according to this handbook.

PIP, SIP, and incentive to restore hydrology incentive payments are subject to the $50,000/person annual payment limitation provisions.

Note: IRS may also treat these one-time payments as CRP annual rental payments for tax purposes.

773 CREP CCC Payment Policy (Continued)

E State or Tribal Incentives

State, Tribal, or private entities **must** provide additional financial incentives to participants as part of the State's 20 percent matching funds as outlined in subparagraph B. Additional non-Federal incentives could include direct payments to participants such as C/S assistance, lump-sum signing payments, and easement purchases and **must** be specified under the terms and conditions of the Agreement.

Note: Although FSA will not disburse or manage State payments, FSA may provide copies of those forms and related CRP/CREP documents which are legally releasable to State CREP partners under Federal privacy laws to help State agencies calculate and disburse State payments.

774 Project Requirements

A State and National Significance

To be eligible for CREP, a project **must** meet requirements in subparagraph 771 B and address:

- environmental issues related to agricultural use
- resource issues of State and national significance.

A resource issue **must** meet at least 1 of the following criteria:

- project is located in an area where agriculture is an important element of the regional economy, and the long-term viability of agriculture is threatened because of agricultural-related environmental conditions

- project would measurably improve water quality in areas where it currently does not meet designated use standards, such as areas identified according to studies conducted under the Clean Water Act, Section 305

- project would mitigate nonattainment of air quality standards because of agricultural activities

- project would provide significant restoration of a species on or identified as candidates for listing on the Federal Endangered Species List

- project would mitigate adverse agricultural impacts on important segments of the regional economy, such as recreational use, transportation, fisheries, etc.

- project would ensure the preservation of a unique geographic region, which represents 1 of the most important examples of a particular resource type in the country, such as a designated national natural landmark

- project would target restoration of wetlands or severe drought-impacted region for which water savings is critical for natural resource conservation

- project would improve wildlife habitat as part of public access, only if consistent with the purposes of CREP and underlying CREP agreement.

  Note: The 1985 Act, Section 1240R provides that the Secretary shall, in approving applications and awarding grants under the Public Access program, give priority to States and tribal governments that propose to strengthen wildlife habitat improvement efforts on land enrolled in CREP by providing incentives to increase public hunting and other recreational access on that land.

774 Project Requirements (Continued)

B Land Eligibility

Only cropland and marginal pastureland may be eligible for enrollment in a CREP in accordance with the provisions of this handbook and the CRP regulations at 7 CFR Part 1410.6. Cropland and marginal pastureland shall meet all 3-CM and 2-CRP provisions. No other land is eligible for CREP.

Note: CREP cropland contract acres are subject to the total county cropland limit eligibility provided in Part 4.

General signup practices, as specified in the CREP agreement, may be eligible to be enrolled into continuous CREP, provided all other eligibility requirements are met according to paragraphs 151 and 181, if the land being offered is within the CREP project are, and 1 of the following are met:

- land offered is either within a national or State CPA
- land offered has EI of greater than 8.

Exception: General signup practices may be eligible to be enrolled within CREP without requiring the cropland to be within a national or State CPA, or EI greater than 8 provided that CREP is specifically targeted for water savings.

C Ownership Eligibility

Ownership requirements for eligible cropland and marginal pastureland under CREP are the same as for CRP.

D Number of Requests and Maximum Project Size

States or Tribal governments may submit 1 or multiple CREP project proposals, but the limitation for CREP allocations per project shall not exceed 100,000 acres for each State. Project size should be based on the land area needed to address the specified objectives in a cost-effective manner. This acreage limitation may be waived based on unique site conditions, program performance, and acreage availability. Any condition for renegotiation of the agreement to waive the 100,000-acre limitation will be specified in the Agreement. CREP Proposals should provide acreage targets by practice, and targets or limits by any applicable geographic and/or other targeted criteria.

774 Project Requirements (Continued)

E Conservation Practices

Conservation practices authorized for CREP **must** be consistent with practices authorized for CRP in Exhibit 11 and meet NRCS FOTG standards.

CREP proposals may do either of the following:

- limit the approved practices to 1 or 2 specific practices
- permit a justified variety of CRP practices.

A proposal may request a modification of an existing CRP practice. If such a modification is proposed, sufficient justification and supporting material, and technical details to support the need for the modification **must** be provided in the CREP Proposal. The modification will only be approved if it is technically feasible and necessary to accomplish program objectives.

Note: FWP and/or SAFE practices are **not** eligible for enrollment under CREP.

F Statute and Regulations

State CREP programs **must** be fully consistent with the statute and regulations governing CRP.

Note: Statutory authority to enroll lands under CRP/CREP follows the statutory authority to enroll lands under CRP subject to the provisions of the CREP agreement and the availability of acres and funds.

Example: CCC has no authority to approve any of the following:

- paying C/S in excess of 50 percent
- exceeding the $50,000 payment limitation
- exempting the AGI provisions.

Exception: See paragraph 131.

G Project Duration

The duration of contracts to be offered under CREP shall be a minimum of 10 years, but not to exceed 15 years.

775 Consultation and Coordination

A Interagency Coordination of CREP Project Proposals

Establishing an interagency team of Federal and State agencies to coordinate developing the CREP proposal is recommended. The State Technical Committee may serve as the core group in developing the proposal. Consideration should be given to involving the following Federal and non-Federal entities in developing the proposal:

- FSA
- NRCS

  Note: NRCS at the State level shall be available to provide the estimated technical assistance cost for all CREP projects.

- NIFA
- Tribal Representative
- Governor's office
- State Water Quality Agency
- administrators of any other technical agency providing technical assistance for water quality projects
- State Conservation District Agency
- Local Soil & Water Conservation District
- FWS
- State Fish and Game Department
- State Department of Agriculture, or equivalent
- State Forestry Department
- EPA
- USGS
- NGO's.

775 Consultation and Coordination (Continued)

B Joint Efforts in Conjunction With States on Local Initiatives

Every effort shall be made, both at the State and local levels, to ensure that CREP represents a cooperative effort.

Where there are agricultural conservation projects already existing or planned, CREP proposals should show that CREP will be part of a coordinated effort.

C Local Support

It is imperative that CREP proposals reflect strong local support from producers and the public. Consideration should be given to encouraging the following local groups to participate:

- agricultural producers
- soil and water conservation districts
- farm-related organizations
- commodity groups
- outdoor recreation groups
- environmental groups
- forestry organizations
- civic groups
- other public interest groups.

D Commitments From Other Agencies

Each proposal submitted shall include a description of the extent of financial, personnel, and/or other resource commitments for the project from:

- the Governor, for various State agencies
- the Tribal Representative
- any other non-Federal funding sources.

E Technical Assistance

The proposal **must** specify the primary State or Federal agency proposed to perform technical assistance.

776 CREP Development and Approval Process

A Developing and Approving CREP Proposals

The following outlines the process for developing and approving CREP proposals.

Item	Action
1	Establish an interdisciplinary/intergovernmental State planning team to develop a CREP proposal.
2	Provide members of the planning team a copy of this handbook, if applicable.
3	Use these guidelines to develop the CREP proposal. Proposals should be clear, concise, and brief, generally not exceeding 30 pages in length. Supplementary material may be submitted, but should be provided as an attachment to the proposal. FSA State Office begins drafting EA using an interdisciplinary team consisting of the FSA Conservation Program Specialist, SEC, and other representatives as needed. EA **must** be approved by FSA's National Environmental Compliance Manager and published before approval of the CREP agreement.
4	Solicit public input on the proposal. In particular, comments should be solicited from affected producers and incorporated into the proposal.
5	The Governor or Tribal representative shall submit the proposal to the Secretary and provide a copy to the Program Manager.
6	A national CREP group shall conduct an interagency review of the proposal and submit comments to the Governor or Tribal representative within 60 calendar days. Generally, the CREP Program Manager or CEPD representative will meet to discuss the proposal with State representatives.
7	The CREP planning team shall revise the proposal, as necessary, based on comments and agreed upon changes.
8	Following initial approval of a proposal, the Governor shall submit a draft agreement along with the revised CREP proposal to CEPD, attention CREP Program Manager.
9	FSA State office, working with other Federal and State CREP partners, will develop State-specific CREP procedures. The procedures: • are developed and published as a supplement to this handbook • **must** be approved by the Program Manager before CREP enrollment begins • **must** reiterate FSA State and County Office compliance with 3-INFO privacy act requirements in CREP signup operations including other CREP partners.
10	The Program Manager, in consultation with OGC and CRP managers, and the Governor or Tribal Representative, shall negotiate the final terms for the agreement.
11	The Secretary of Agriculture and Governor or Tribal Representative, or their designees, as appropriate, shall sign the agreement.

777 CREP Proposal Outline

A Format

Project proposals shall be prepared according to this paragraph.

- Separate required information into sections as described.
- Be brief and put information in bulleted lists, tables, or short narratives.
- Avoid excessive narrative.
- Submit an electronic copy in MS Word.

B Cover Sheet

On the cover sheet, enter the following:

- project name
- State
- counties where the project is to be located.

C Section 1 - Abstract

Provide a brief abstract of the project not to exceed 1 page, which includes the following:

- description of the project purpose and area
- summary of existing conditions and agricultural impacts to be addressed
- brief description of the project
- CRP practices proposed
- estimated number of acres to be contracted under the CREP project
- estimated cost of the project.

777 CREP Proposal Outline (Continued)

D Section 2 - Existing Conditions

Provide a discussion of existing conditions that includes all of the following:

- why the project area is of State or national significance based on the criteria in this paragraph
- a detailed map outlining the geographic area of the proposal
- a description of the various human activities and land uses within the project boundary, such as cropland, range land, forest, urban, etc., including a summary of all land uses within the watershed/project area
- a description of farm demographics within the project boundary watershed, including number of farms, types of farms, average size of farm by type, etc.
- a brief description of relevant environmental factors, including the following:
    - precipitation
    - soil
    - important geological features
    - vegetation patterns
    - wildlife
    - water resources
    - air quality
    - Federally listed endangered and threatened species.

E Section 3 - Agriculture-Related Environmental Impacts

This analysis **must** include the following:

- magnitude of agriculture-related environmental impacts
- past and projected future trends in agricultural impacts
- nature of any health-related agricultural impacts
- past, ongoing, and projected future efforts to address agricultural impacts through State and Federal programs, including the number of acres in the project area currently under CRP, EQIP, and WRP.

777 CREP Proposal Outline (Continued)

F Section 4 - Project Objectives

CREP proposals shall include specific and measurable project objectives as well as documentation for the derivation of the objectives.

Example: Implementation of the project will reduce sediment loading by 2,000 tons per year resulting in a saving of $2 million per year in reduced dredging costs.

G Section 5 - Project Description

The project description **must** address each of the following:

- CRP conservation cropland/marginal pastureland practices to be adopted
- number of acres targeted by practice proposed to be contracted in the CREP agreement
- length of time for project implementation
- an analysis of the likelihood that project objectives will be met
- interagency coordination method that includes how producer eligibility determinations will be made, which agency or agencies will provide technical assistance, how the application process will be coordinated among agencies, and how contract compliance will be monitored
- a flow chart of the application process.

777 CREP Proposal Outline (Continued)

H Section 6 - Cost Analysis

CREP proposals **must** include a thorough discussion of project costs that addresses the following:

- total estimated project costs
- itemization of costs to be funded from non-Federal revenues, including a discussion of the status of these funds
- thorough justification for any incentive payments.

I Section 7 - Monitoring Program

CREP proposals **must** include a monitoring and evaluation plan that can be used to measure the success of the project. The monitoring plan is to include the following:

- a description of the data to be collected and methods to be used to carry out the monitoring plan
- delineation of responsibilities for carrying out the monitoring plan
- provision of annual reports to describe monitoring results
- provision for project modification if objectives are not being met.

777 CREP Proposal Outline (Continued)

J Section 8 - Public Outreach and Support

CREP proposals **must** provide a discussion of the nature of public support, especially from producers. This **must** include a program for public outreach over the duration of the project.

K Section 9 - Development of Procedure

Before beginning any CREP, FSA, working with Federal and State CREP partners, shall complete an approved detailed supplement to this handbook for implementing CREP. The supplements **must**:

- be approved by the Program Manager before the start of signup
- be incorporated into this handbook as a supplement
- include information sharing provisions with State CREP partners consistent with the information provisions of 1-INFO, 2-INFO, and 3-INFO.

Note: The supplements **must** ensure that CRP/CREP information subject to the Privacy Act collected by FSA from producers is managed according to 1-INFO, 2-INFO, and 3-INFO. State CREP partners that need information subject to the Privacy Act to administer their portions of the CREP agreement **must** collect this information in their own State forms.

L Section 10 - Training of Staff

CREP proposals should describe the measures that will be taken to train staff. FSA, working with Federal and State CREP partners, **must** develop and provide training on CREP procedures for Federal and appropriate State, local, and private partner staff.

M Section 11 - Communication Plan

CREP proposals shall describe the measures that will be taken to develop and implement a communication plan. FSA, working with Federal and State CREP partners, **must** develop a communication plan that will promote outreach activities for CREP. The communication plan **must** include the following:

- goals and objectives
- motivators to enrollment
- barriers to enrollment
- communication tools and materials
- training.

778 FSA CREP Responsibilities

A Partnership

SED is responsible for:

- developing partnerships to assist in ensuring that CREP objectives are achieved
- ensuring that all appropriate parties are informed of CREP activities
- developing and implementing an outreach program
- ensuring that the integrity of the FSA data is used to manage CREP.

Notes: Data integrity requires that all data be entered into the appropriate data platform on a timely and accurate basis.

To ensure that all FSA and State obligations are fully met, the data **must** be loaded in a timely manner.

B Annual Performance Report

Each agreement will require that the State provide an annual performance report. The date of the performance report will be specified in each agreement. The report is a tool to determine program accomplishments and program changes to ensure that the program goals are achieved in a cost-effective manner. The annual performance report **must** include, at a minimum, the annual FY performance for the following:

- acres enrolled by practice
- acres of easement or long-term contract
- acres enrolled by county
- cumulative performance for the following:
    - acres enrolled by practice
    - acres of easement or long-term contract
    - acres enrolled by county

778 FSA CREP Responsibilities (Continued)

B Annual Performance Report (Continued)

- financial report listing by Federal FY and cumulative expenditures for both Federal and State/private entities as follows:

  - annual rent
  - C/S
  - lump-sum incentive payment
  - in-kind technical assistance cost (State/private only)
  - monitoring and evaluation costs (State only)

- progress in meeting program goals, describing:

  - progress at meeting the goals and objective of the proposals
  - monitoring and evaluation program and results of their evaluation
  - success stories
  - partnership effort.

Reports **must** be submitted to the CEPD, attention CREP Program Manager no later than 15 calendar days from the due date specified in the agreement.

C FSA Quality Control

SED shall ensure that program implementation is consistent with the statute, regulations at 7 CFR Part 1410, agreements, and procedures of this handbook.

This may require periodic COR reviews, spot checks, and reviews by FSA State Offices. If deficiencies are found, SED shall ensure that appropriate corrective actions are taken.

779-800 (Reserved)

Part 21 TIP

801 Overview

A Background

The Food, Conservation, and Energy Act of 2008 amendments to the Food Security Act of 1985, as amended, authorized $25 million for the voluntary transition of land enrolled under an expiring CRP contract from a retired or retiring owner or operator to a beginning or SDA farmer or rancher to return the land to production for sustainable grazing or crop production.

Retired or retiring owners and operators who qualify under TIP may be eligible to receive annual rental payments for up to 2 additional years after the CRP-1 expiration date provided the transition is **not** to a family member as defined in Exhibit 2.

Note: Family members of the retired or retiring owners or operators may participate in TIP; however, the additional 2 years of annual rental payments will **not** be paid.

B TIP Regulation

An interim rule was published in the FR on May 14, 2010, which provides regulatory authority for TIP.

C Signup Period for TIP

Eligible retired or retiring owners and operators and beginning or SDA farmers or ranchers may enroll in TIP on a continuous basis beginning on **May 17, 2010**.

To be considered eligible, beginning or SDA farmers or ranchers and CRP participants must enroll in TIP during the period beginning 1 year before the CRP contract expiration date and ***--**the earlier of the following:

- August 15 of the year when the CRP contract is scheduled to expire
- $25 million statutory limit has been reached.

Note: The August 15 deadline is to allow NRCS or TSP the required time to complete the TIP sustainable grazing or crop production conservation plans.**--***

For contracts that expired on September 30, 2008 and 2009, or are scheduled to expire on September 30, 2010, TIP enrollment may begin immediately. Signup for contracts that expired on September 30, 2008, or September 30, 2009, ends on September 30, 2010.

CRP-1R's for CRP contracts already expired must be approved by October 1, 2010.

802 Eligible Land

A Eligible Land for TIP

All or a portion of land under an expiring CRP contract may be eligible to enroll in TIP, if ***--**COC or CED determines that **all** of the following have been met:**--***

- producer eligibility requirements in paragraph 803
- land eligibility requirements in subparagraph 804 B for contracts scheduled to expire on or after September 30, 2010

  Note: See subparagraph 804 A for contracts that expired on September 30, 2008, or September 30, 2009.

- land under CRP-1 is in compliance according to 2-CRP, Part 17.

B Easement Eligibility for TIP

Land expiring from CRP-1 under an easement that would prohibit the land from being farmed in a sustainable manner is **not** eligible to be enrolled under CRP-1R.

803 Eligible Producers

A Retired or Retiring Owner or Operator Eligibility

To be eligible for TIP, producers must be retired or retiring owners or operators on land
*--under an expiring CRP contract. See Exhibit 2 for definition.

Notes: An owner or operator that has livestock may meet the definition of retired or retiring farmer or rancher, provided that the livestock producer is no longer a producer of an agricultural crop. The livestock producer must certify that he or she will cease active labor in farming as a producer of agricultural crops on CRP-1R.

Absentee landowners, who are **not** providing active labor as producers of agricultural crops, may be eligible as a retired or retiring farmer or rancher, provided all other eligibility requirements are met.

One or more participants under CRP-1 may be eligible to transition land to a beginning or SDA farmer or rancher and enroll in TIP if **all** of the following have been met:**--***

- at least 1 participant on an expiring CRP-1 is a retired or retiring farmer or rancher on the land as self-certified on CRP-1R

- persons or entities on the expiring CRP-1 must receive, in the aggregate, at least 50 percent of the annual rental payments

  Note: The retired or retiring members of an entity must own at least 50 percent of the stock of the entity to be eligible for TIP.

- retired or retiring owner or operator agrees to sell, has a contract to sell, or leases the land for a minimum of 5 years to a beginning or SDA farmer or rancher before CRP-1R begins

  Notes: See paragraph 807.

  In the case of a long-term lease, the lease must be a nonrevocable long-term lease
  *--of at least 5 years, with or without an option to purchase the land, which must begin on the CRP-1R beginning date.**--***

- retired or retiring owner or operator and beginning or SDA farmer or rancher have signed CRP-1R according to paragraph 805

803 Eligible Producers (Continued)

A Retired or Retiring Owner or Operator Eligibility (Continued)

- retired or retiring owner or operator agrees to allow beginning or SDA farmer or rancher to make conservation and land improvements, according to a modified conservation plan *--approved by NRCS or TSP, **beginning** on the date COC or CED approves CRP-1R--* according to paragraph 806.

Notes: Land improvements in the last year of the CRP contract under CRP TIP will **not** be permitted during the primary nesting season unless CRP-1 cover was already disturbed because of allowable land improvements started before the first day of the primary nesting season.

*--If land improvements are to be made in the last year of CRP-1 according to paragraph 806, CRP-1 participants must modify the CRP conservation plan according to the recommendations of NRCS or TSP.

Important: CRP participants:

- are responsible for the land under an expiring CRP-1 until that CRP-1 expires
- must modify the CRP-1 conservation plan if land improvements are to be made during the last year of CRP-1.--*

When 1 or more retired or retiring owners or operators on a CRP contract agree to transition their portion of the land under CRP-1 to beginning or SDA farmer or rancher, CCC may approve CRP-1R provided all signatories to CRP-1 sign CRP-1R and all other eligibility criteria are met. The land transfer must not have taken place until after participants have signed CRP-1R.

Note: All signatories to CRP-1 are **not** required to be retired or retiring; however, all CRP-1 *--signatories are required to sign CRP-1R. At least 1 participant with at least 50 percent share on CRP-1 must meet the retired or retiring farmer criteria. If all--* signatories on CRP-1 do **not** agree to sign CRP-1R, then the land is **not** eligible under TIP.

Example 1: Three participants have equal shares in an expiring CRP contract. Two of the participants are retiring and intend to participate in TIP. The land is eligible for TIP because the shares of the 2 retiring participants equal at least 50 percent provided all signatories sign CRP-1R and all other eligibility criteria have been met.

Example 2: Four participants have equal shares in an expiring CRP contract. Two of the participants are retiring and intend to participate in TIP. The land is eligible for TIP because the shares of the 2 retiring participants equal at least 50 percent provided all signatories sign CRP-1R and all other eligibility criteria have been met.

803 Eligible Producers (Continued)

A Retired or Retiring Owner or Operator Eligibility (Continued)

Example 3: Five participants have equal shares in an expiring CRP contract. Two of the participants are retiring and intend to participate in TIP. The land is **not** eligible for TIP because the shares of the 2 retiring participants do **not** equal at least 50 percent of the shares on the expiring CRP contract.

***--Notes:** All CRP-1 shareholder signatories are eligible to receive the 2 years annual rental payments provided they have signed CRP-1R, are otherwise eligible, and the provisions of this paragraph are met.

TIP payments will be issued according to the shares at the time CRP-1 expires.**--***

B Beginning or SDA Farmer or Rancher Eligibility

A beginning or SDA farmer or rancher may be eligible for TIP provided the beginning or SDA farmer or rancher agrees to **all** of the following:

- buy or lease (under a long-term lease of at least 5 years) the land under CRP-1 from a retired or retiring owner or operator during the last year of CRP-1 before its scheduled September 30 expiration
- develop and implement the required conservation plans according to paragraph 806
- self-certify and sign CRP-1R.

Notes: A minor combined with a parent or legal guardian in a farming operation under 4-PL, would not meet beginning farmer or rancher criteria until the minor is of legal age and no longer combined. In rare cases, where COC has determined the minor stands alone and is not combined with a parent or legal guardian, the minor may meet the beginning farmer or rancher definition provided COC determines the minor materially and substantially participates in the operation of the farm or ranch involved in CRP-1R.

For TIP, the definition of SDA farmer or rancher does **not** include gender. See Exhibit 2.

804 TIP for CRP-1's

A TIP for CRP-1's That Expired September 30, 2008, or September 30, 2009

Generally, TIP only applies to CRP-1's that expire on September 30, 2010, or later. However, retired or retiring owners or operators with CRP-1's that expired on September 30, 2008, and September 30, 2009, may be eligible to enroll in TIP provided **all** of the following apply:

- the land has not been sold or leased before signing CRP-1R
- producers are otherwise eligible under TIP provisions
- the conservation plan is modified to require sustainable grazing or crop production methods
- CRP-1R beginning date is October 1, 2010
- ***--**CRP-1R is approved by COC or CED no later than October 1, 2010.**--***

The following provides examples for expired CRP-1's enrolled in TIP.

CRP-1 Expiration Date	Final CRP-1 Annual Rental Payment	CRP-1R Beginning Date	First Scheduled TIP Payment	Second Scheduled TIP Payment
September 30, 2008	October 2008	October 1, 2010	October 2011	October 2012
September 30, 2009	October 2009	October 1, 2010	October 2011	October 2012

Notes: Retired or retiring owners and operators who qualify under TIP may be eligible to receive annual rental payments for up to 2 additional years after the CRP-1 expiration date provided the transition is **not** to a family member as defined in Exhibit 2.

Members of the retired or retiring owner's or operator's family may participate in TIP; however, the additional 2 years of annual rental payments **cannot** be paid.

Land leased or sold **before** CRP-1R is signed is **not** eligible under TIP.

804 TIP for CRP-1's (Continued)

B TIP for CRP-1's That Expire on or After September 30, 2010

Generally, land subject to CRP-1R must be returned to production using sustainable grazing or crop production methods.

Beginning on October 1 that is 1 year before the CRP-1 scheduled expiration date of September 30, the retired or retiring owner or operator may sign CRP-1R to allow the beginning or SDA farmer or rancher to do 1 or more of the following:

- ***--**modify the current CRP-1 conservation plan to begin conservation and land improvements

  Note: CRP-1 signatories are responsible for the CRP cover until CRP-1 expires. If land improvements are to be made in the last year of CRP-1, CPO must be modified by CRP-1 participants.**--***

- begin the certification process under the Organic Foods Production Act of 1990

- offer eligible land into continuous CRP.

Note: Land improvements in the last year of the CRP contract under CRP TIP will **not** be permitted during the primary nesting season unless CRP-1 cover was already disturbed because of allowable land improvements started before the first day of the primary nesting season.

If all other eligibility requirements are met, the beginning or SDA farmer or rancher with an approved CRP-1R is eligible to offer transitioned land for continuous CRP according to Part 6, Section 1.

--Note:** Eligible beginning or SDA farmers or ranchers with an approved CRP-1R will be eligible to re-enroll, beginning on May 1 of the year CRP-1 expires, partial field continuous conservation practices in CRP, according to a CRP conservation plan and the provisions of TIP. The re-enrolled acres will become effective on October 1 following the expiration of CRP-1 of the qualified retired or retiring owner or operator, provided that the beginning or SDA farmer or rancher has control of the property and meets all other qualifying conditions of CRP.**--

The beginning or SDA farmer or rancher enrolling into continuous CRP is **not required** to meet 12-month owner/operator criteria for acres under CRP-1R.

In cooperation with NRCS, County Offices must inform the beginning or SDA farmer or rancher to contact NRCS for more information about the opportunity to enroll in CSP or EQIP. Enrollment in CSP or EQIP must begin October 1, on or after CRP-1 expires.

Note: Land under CRP-1R is **not** eligible to be enrolled into general signup.

805 CRP-1R Signature Requirements

A Required Signatures

CRP-1R must be signed by **all** of the following:

- retired or retiring owners or operators
- beginning or SDA farmer or rancher
- all signatories to CRP-1.

Exception: See subparagraph 335 C for signature requirement exceptions.

Note: See paragraph 810 for an example of CRP-1R.

*--806 Required Conservation Plans for TIP

A Beginning or SDA Farmer or Rancher TIP Conservation Plan Requirements

During the last year of CRP-1 before its scheduled expiration, the beginning or SDA farmer or rancher must develop a conservation plan that meets acceptable standards for sustainable grazing or crop production methods to be implemented beginning on the approved CRP-1R beginning date (item 8 A). The sustainable grazing and crop production methods must be designed as a part of an overall plan defined on an ecosystem level to be useful in creating integrated systems of plant and animal production practices that have a site-specific application that would:

- meet human needs for food and fiber
- enhance the environment and the natural resource base
- use nonrenewable resources efficiently
- sustain the economic viability of the farming operation.

The beginning or SDA farmer or rancher must complete **all** of the following for acres under CRP-1R:

- **sustainable grazing or crop production conservation plan** that meets NRCS FOTG for sustainable grazing or crop production methods according to this paragraph to be effective on the CRP-1R beginning date

- conservation plan according to Conservation Compliance Provisions of the 1985 Act that requires completing AD-1026 for HEL

- **CRP conservation plan** that meets the requirements for continuous CRP, CSP, or EQIP, as applicable, if enrolling the acres in 1 or more of these programs that are under CRP-1R after CRP-1 expires.--*

***--806 Required Conservation Plans for TIP (Continued)**

B Retired or Retiring Owner or Operator Conservation Plan Requirements

Beginning on the first day of the last year of CRP-1, retired or retiring CRP participants with an approved CRP-1R must allow the beginning or SDA farmer or rancher to install certain conservation practices and institute land improvements that are consistent with the conservation plan during the last year of CRP-1 according to an approved modified conservation plan in consultation with NRCS or TSP.

Note: The retired or retiring farmer or rancher must, in consultation with FSA and NRCS or TSP, ensure that the CRP-1 conservation plan has been modified for land improvements agreed upon with the beginning or SDA farmer or rancher. The retired or retiring owner or operator is responsible for ensuring that the conservation plan is modified if land improvements are being made on land under CRP-1.

The following are allowable conservation and land improvements in the last year of CRP-1 under TIP, according to an approved modified conservation plan:

- preparing the land for certified organic food production
- laying out contours for contour buffer strips
- surveying and site preparation for contour farming
- installing filter strips
- installing fencing
- installing livestock watering facilities

  Note: Grazing is **not** allowed before CRP-1 expiration.

- installing pipelines
- installing ponds
- installing terraces
- installing water wells
- installing waterways**--***

***--806 Required Conservation Plans for TIP (Continued)**

B Retired or Retiring Owner or Operator Conservation Plan Requirements (Continued)

- other potential improvements for re-enrolling acres into continuous CRP according to NRCS or TSP guidelines

- other appropriate practices as recommended by NRCS or TSP.

Notes: Land improvements in the last year of CRP-1 under CRP TIP will **not** be permitted during the primary nesting season unless CRP-1 cover was already disturbed because of allowable land improvements started before the first day of the primary nesting season.

Land improvements in the last year of CRP-1 do not include planting a commodity crop except when used as a temporary cover establishing conservation practices.

CRP C/S assistance is **not** authorized for TIP.

Using other Federal C/S assistance requires refund of CRP C/S assistance according to subparagraph 491 B.

Generally, only the acres under CRP-1R must be returned to sustainable grazing or crop production methods.

Notes: CRP-1 provisions continue to apply through its expiration for land **not** covered by CRP-1R.

For expired CRP-1 land that is **not** enrolled in an approved TIP CRP-1R, the land may be returned to an agricultural commodity using normal crop production methods in compliance with Conservation Compliance Provisions of the 1985 Act. See 6-CP.

C TIP and Early Land Preparation

Certain conservation and land improvements are allowable in the last year (beginning October 1 of the year CRP-1 expires) of CRP-1 as provided in subparagraph B.

Early land preparation provisions in paragraph 637 generally apply to land enrolled under a TIP modification to CRP-1. However, if the desired early land preparation activity conflicts with acceptable standards for sustainable grazing or crop production, then early land preparation provisions must **not** be used.

Important: TIP participants requesting early land preparation must follow all of the provisions in paragraph 637.**--***

***--806 Required Conservation Plans for TIP (Continued)**

C TIP and Early Land Preparation (Continued)

Activities allowable under TIP in the last year of CRP-1 relates to conservation and land improvements. As a general matter, destruction of the cover before CRP-1 is expired should **not** be approved. If, however, in the extraordinary case where NRCS or TSP determines that allowing the cover to be disturbed in the last year of CRP-1 to prepare to plant an agricultural crop after CRP-1 expires meets the criteria of a sustainable conservation system, the CRP conservation plan may be modified.**--***

807 Approving CRP-1R's

A Requirements Before CRP-1R Approval

Before approving CRP-1R's, County Offices shall:

- ensure that a separate CRP-1R is completed and signed for each **expiring** CRP-1 enrolled in TIP

***--Note:** CRP-1R must be approved no later than September 30 of the year CRP-1 expires. See the exception in subparagraph 804 A.

- determine acres to be transitioned

- ensure that the retired or retiring owner or operator and beginning or SDA farmer or rancher has completed all required conservation plans according to paragraph 806, as applicable**--***

- ensure retired or retiring owners or operators have provided sufficient evidence that the land entered into under TIP will be either sold or long term leased to a beginning or SDA farmer or rancher effective the day the CRP-1R begins.

  Note: Sufficient evidence must include 1 of the following:

  - written long term lease (at least 5 years duration)

  - contract for deed

  - statement signed by TIP participants reflecting either the long term lease or contract to sell.

807 Approving CRP-1R's (Continued)

*--B COC or CED Approval of CRP-1R's

COC or CED shall approve CRP-1R's if all of the following are met:--*

- all required signatures have been obtained on all related CRP forms and conservation plans according to paragraphs 805, 806, and 808

- *--a modified conservation plan is approved for land improvements in the last year of CRP-1, if applicable--*

- the conservation plan is consistent with polices in Part 11

- all producer eligibility criteria has been met

- all land eligibility criteria has been met

- sufficient evidence has been provided according to subparagraph A.

C COC Responsibilities

COC or designee shall:

- approve/disapprove CRP-1R, as applicable
- sign and date CRP-1R
- follow conflict of interest provisions in 22-PM.

***--Note:** COC or CED shall **not** approve CRP-1R until **all** requirements in subparagraph B--* has been met.

D Approval Responsibilities

Follow the provisions for approval responsibilities for CRP-1R's according to subparagraph 401 D.

E County Office Action

After requirements in subparagraphs A through D have been met, notify the retired or retiring owner or operator and the beginning or SDA farmer or rancher in writing of approval/disapproval of CRP-1R's.

808 CRP-1R Provisions

A CRP-1R Duration

CRP-1R begins on October 1 that is the day after the CRP-1 scheduled expiration date and ends 2 years following the CRP-1 expiration date of September 30.

Exception: For CRP contracts that expired in 2008 or 2009, the beginning date of CRP-1R is October 1, 2010.

Note: Preparing or installing certain conservation practices may occur up to 1 year before the beginning date of CRP-1R according to paragraph 806.

Example: A retired operator has land under CRP contract that expires on September 30, 2010. The retiring operator and SDA farmer signed CRP-1R on June 14, 2010, and the retired operator modified the CRP-1 conservation plan to make conservation land improvements in the last year of CRP-1. COC or CED approved the modified conservation plan and CRP-1R on August 1, 2010. CRP-1R goes into effect October 1, 2010.

B CRP-1R Payments

Retired or retiring owners or operators with an approved CRP-1R may receive up to 2 additional annual rental payments **after CRP-1 expires** provided that the retired or retiring owner or operator is **not** a family member of the beginning or SDA farmer or rancher according to the definition of family member in Exhibit 2.

Note: See:

- Exhibit 60 for general information about TIP payments
- Exhibit 61 for additional information about recording TIP payments
- ***--**Exhibit 62 for handling contract modifications for payment processing.**--***

Example: The retired or retiring farmer and a nonfamily member beginning or SDA farmer or rancher completed and signed CRP-1R on May 17, 2010, for CRP-1 scheduled to expire on September 30, 2010. The CRP-1R period is October 1, 2010, through September 30, 2012. The retired or retiring owner or operator may receive the first CRP-1R payment after October 1, 2011, and the final TIP payment after October 1, 2012, provided all other payment eligibility criteria are met.

808 CRP-1R Provisions (Continued)

C CRP TIP Payment Limitation

Payment limitation as applicable for other CRP-1's will be applied to CRP-1R annual rental payments.

D CRP TIP AGI Provisions

The AGI determination of the expiring CRP-1 will continue for the additional 2 years for annual rental payments under TIP.

E Succeeding to CRP-1R

***--**A new owner of land, purchased from the retired owner or operator, that was transitioned under TIP and is under a long-term lease with a beginning or SDA farmer or rancher, may succeed to an approved CRP-1R, provided the successor continues to honor the lease with the beginning or SDA farmer or rancher and all the provisions of CRP-1R are met.

Important: To ensure TIP payments are issued correctly, all succession-in-interest to CRP-1R's must be reported to Kimberly Wright, CEPD, Conservation Automation Branch, by e-mail at **kimberly.wright@wdc.usda.gov**.**--***

808 CRP-1R Provisions (Continued)

*--F Modifications to CRP-1R's for Payments

Allowable modifications to TIP CRP-1R's are:

- TIP contract number on CRP-1R and on the TIP spreadsheet **must** be identical to the CRP-1 number in the System 36 CRP Contract File at the time CRP-1 expires for TIP payments to be processed and issued

  Note: Any revision to CRP-1 number in the last year of CRP-1 **must** be revised on the approved TIP CRP-1R.

  Example: If CRP-1 number is 314A when CRP-1 expires, then CRP-1R number **must** be 314A-TIP. See 2-CRP, subparagraph 810 A, item 2 for TIP CRP-1R numbering procedure.

- TIP acres **must** be less than or equal to the acres on the expiring CRP-1.

  Notes: If the acres being transitioned are less than the expiring CRP-1 acres, then CRP-1 **must** be revised in System 36 **before** CRP-1 expires to reflect the correct acres being transitioned. See 1-CRP for procedure for revising CRP-1's.

  Before TIP payments can be issued, the data on CRP-1R and the System 36 CRP Contract File for the expiring CRP-1 **must** match.

  Example: Changes to CRP-1 that will require a revision to CRP-1R are:

  - CRP-1 numbers
  - CRP-1 corrections
  - CRP-1 participants and shares.

  Note: Unless correcting a data entry error, the following CRP-1R fields must **not** be changed:

  - Rental Rate Per Acre CRP-1
  - CRP-1R Beginning Date
  - CRP-1R End Date.**--***

809 Outreach

A Targeting Beginning or SDA Farmers or Ranchers

FSA will announce TIP through press releases, newsletters, and any other available means. In addition, State and County Offices must conduct additional outreach activities to ensure participation of beginning or SDA farmers or ranchers.

For outreach efforts specific to this notice, State Offices must ensure, using all available means, that beginning or SDA groups are informed of the opportunities provided under TIP.

State Offices must prioritize efforts to plan targeted outreach activities jointly with partner organizations whose mission specifies service to target groups as beginning or SDA farmers or ranchers.

810 Completing CRP-1R's

A Instructions for Completing CRP-1R

Complete CRP-1R according to the following.

Item	Instructions
1	Enter State and county code and administration location.
2	Enter CRP-1R number. **Note:** Expiring CRP-1 contract number from CRP-1, item 3, plus the extension "TIP". **Example:** 567-TIP
3	Enter acres for enrollment into TIP.
4	Enter farm number.
5	Enter tract number.
6	Enter County Office address and telephone number.
7	Enter rental rate/acre from CRP-1, item 7.
8A	Enter TIP beginning date (beginning date of CRP-1R). See subparagraph 808 A.
8B	Enter TIP ending date (ending date of CRP-1R). See subparagraph 808 A.
9	**Retired or retiring owner or operator and beginning or SDA farmer or rancher shall read the self-certification statement.**
10	**Participants shall read and fill in the CRP contract number.**
10A	Require retired or retiring owner or operator to print name, enter share on CRP-1, sign, and date.
10B	Require beginning or SDA farmer or rancher to print name, sign, and date. **Note:** Do **not** enter share for beginning or SDA farmer or rancher.
10C	Require CRP-1 signatories to print name, enter share on CRP-1, sign, and date.
11	***--**COC or CED approves CRP-1R.**--***

810 Completing CRP-1R's (Continued)

B Example of CRP-1R

The following is an example of CRP-1R.

Note: CRP-1R is available at **http://intra3.fsa.usda.gov/dam/ffasforms/currentforms.asp**.

This form is available electronically.

CRP-1R (05-14-10) U.S. DEPARTMENT OF AGRICULTURE Commodity Credit Corporation **CONSERVATION RESERVE PROGRAM TRANSITION INCENTIVES PROGRAM CONTRACT**	1. ST. & CO CODE & ADMIN. LOCATION 46 029		2. TIP CONTRACT NUMBER 567 TIP
	3. ACRES FOR ENROLLMENT 15.1	4. FARM NUMBER 4768	5. TRACT NUMBER(S) 2258
6. COUNTY OFFICE ADDRESS *(Include Zip Code)* Codington County FSA Office PO Box 1536 810 10th Ave. SE Watertown, SD 57201 TELEPHONE NUMBER *(Include Area Code)*: 605-886-8202	7. RENTAL RATE 58.00	8. CONTRACT PERIOD A. BEGINNING *(MM-DD-YYYY)* 12/01/2010	B. ENDING *(MM-DD-YYYY)* 09/10/2012

NOTE: *The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a, as amended). The authority for requesting the information identified on this form is 7 CFR Part 1410, the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), and the Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246). The information will be used by CCC to consider and, if so decided, process the offer to enter into a Conservation Reserve Program contract, to assist in determining eligibility, and to determine the correct parties to the Conservation Reserve Program contract. The information collected on this form may be disclosed to other Federal, State ,and Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated). Information provided hereunder will be subject to the provisions of section 1619 of Pub. L. 110-246, section 2004 of Pub. L. 107-171, the Privacy Act, and other applicable privacy laws. Providing the requested information is voluntary. However, failure to furnish the requested information will result in a determination of ineligibility to offer to enter into a Conservation Reserve Program contract.*

This information collection is exempted from the Paperwork Reduction Act, as it is required for administration of the Food, Conservation, and Energy Act of 2008 (see Pub. L. 110-246, Title II, Subtitle J – Miscellaneous Conservation Provisions). The provisions of appropriate criminal and civil fraud, privacy, and other statutes may be applicable to the information provided. The provisions of appropriate criminal and civil fraud, privacy, and other statutes may be applicable to the information provided. ***RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.***

9. **CERTIFICATION:**

By signing below, the retired or retiring participant in Item 10A(1) certifies to all of the following: (1) I/we have either retired from farming or am retiring from farming within 5 years; (2) effective on the date in Item 8A, I have sold, have a contract to sell, or leased under a non-revocable long-term lease of at least 5 years, the acres identified in Item 3 to the beginning or socially disadvantaged farmer(s) or rancher(s) identified in Item 10B(1); (3) I will no longer operate the acres identified in Item 3 beginning on the date in Item 8A; and (4) the beginning or socially disadvantaged farmer(s) or rancher(s) in Item10B(1) may: a) begin Organic Foods Production Certification, b) develop a conservation plan and install practices and initiate land improvements consistent with the conservation plan as necessary, and c) offer to enroll under continuous Conservation Reserve the acres identified in Item 3.

By signing below, the beginning or socially disadvantaged farmer or rancher identified in Item 10B(1) certifies: (1) I am a beginning farmer or rancher or a socially disadvantaged farmer or rancher as defined in the regulations at 7 CFR Part 1410; (2) I agree to develop and implement a conservation plan in compliance with the Conservation Compliance Provisions of the Food Security Act of 1985, Pub. L. 99-198 (the 1985 Act), which requires completion of form AD-1026; (3) I agree to develop and implement a conservation plan that meets applicable standards for sustainable grazing and/or crop production methods on the acres identified in Item 3; (4) I understand that I may be eligible to enroll in the Conservation Stewardship Program under 7 CFR Part 1470 or the Environmental Quality Incentives Program under 7 CFR Part 1466, (5) I understand that I may be eligible to enroll under the continuous Conservation Reserve Program; and (6) I understand that I may begin Organic Foods Production Certification.

10. PARTICIPANTS: ***(As a signatory to CRP contract*** 567 ***, I agree to allow this contract to be modified under the TIP provisions.)***

A(1) RETIRED OR RETIRING FARMER OR RANCHER NAME AND ADDRESS *(Zip Code)*:	(2) SHARE	(3) SIGNATURE *(BY)*:	DATE *(MM-DD-YYYY)*
Joe Farmer	75 %	***/s/ Joe Farmer*** (4) TITLE/RELATIONSHIP *(of Individual Signing in the Representative Capacity)* *(If more than three individuals are signing, continue on attachment.)*	
B(1) BEGINNING OR SOCIALLY DISADVANTAGED FARMER OR RANCHER NAME AND ADDRESS *(Zip Code)*:	(2) SHARE	(3) SIGNATURE *(BY)*:	DATE *(MM-DD-YYYY)*
Peter Lancer	%	***/s/ Peter Lancer*** (4) TITLE/RELATIONSHIP *(of Individual Signing in the Representative Capacity)* *(If more than three individuals are signing, continue on attachment.)*	
C(1) PARTICIPANT'S NAME AND ADDRESS *(Zip Code)*:	(2) SHARE	(3) SIGNATURE *(BY)*:	DATE *(MM-DD-YYYY)*
Gladys Forsyth *(If more than three individuals are signing, continue on Page 2)*	10 %	***/s/ Gladys Forsyth*** (4) TITLE/RELATIONSHIP *(of Individual Signing in the Representative Capacity)* *(If more than three individuals are signing, continue on Page 2)*	

11. **CCC USE ONLY** – Payments according to the shares are approved.	A. SIGNATURE OF CCC REPRESENTATIVE	B. DATE *(MM-DD-YYYY)*

The U.S. Department of Agriculture (USDA) prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642 (English Federal-relay) or (800) 845-6136 (Spanish Federal-relay). USDA is an equal opportunity provider and employer.

810 Completing CRP-1R's (Continued)

B Example of CRP-1R (Continued)

CRP-1R (05-14-10) Page 2 of 2

CONTINUATION OF ITEM 10

A(1) RETIRED OR RETIRING FARMER OR RANCHER NAME AND ADDRESS *(Zip Code)*: Sue Olson	(2) SHARE 10 %	(3) SIGNATURE *(BY)*: ***/s/ Sue Olson***	DATE: (MM-DD-YYYY)
		(4) TITLE/RELATIONSHIP *(of Individual Signing in the Representative Capacity)*	
B(1) BEGINNING OR SOCIALLY DISADVANTAGED FARMER OR RANCHER NAME AND ADDRESS *(Zip Code)*:	(2) SHARE %	(3) SIGNATURE *(BY)*:	DATE: (MM-DD-YYYY)
		(4) TITLE/RELATIONSHIP *(of Individual Signing in the Representative Capacity)*	
C(1) PARTICIPANT'S NAME AND ADDRESS *(Zip Code)*:	(2) SHARE %	(3) SIGNATURE *(BY)*:	DATE: (MM-DD-YYYY)
		(4) TITLE/RELATIONSHIP *(of Individual Signing in the Representative Capacity)*	
A(1) RETIRED OR RETIRING FARMER OR RANCHER NAME AND ADDRESS *(Zip Code)*:	(2) SHARE %	(3) SIGNATURE *(BY)*:	DATE: (MM-DD-YYYY)
		(4) TITLE/RELATIONSHIP *(of Individual Signing in the Representative Capacity)*	
B(1) BEGINNING OR SOCIALLY DISADVANTAGED FARMER OR RANCHER NAME AND ADDRESS *(Zip Code)*:	(2) SHARE %	(3) SIGNATURE *(BY)*:	DATE: (MM-DD-YYYY)
		(4) TITLE/RELATIONSHIP *(of Individual Signing in the Representative Capacity)*	
C(1) PARTICIPANT'S NAME AND ADDRESS *(Zip Code)*:	(2) SHARE %	(3) SIGNATURE *(BY)*:	DATE: (MM-DD-YYYY)
		(4) TITLE/RELATIONSHIP *(of Individual Signing in the Representative Capacity)*	
A(1) RETIRED OR RETIRING FARMER OR RANCHER NAME AND ADDRESS *(Zip Code)*:	(2) SHARE %	(3) SIGNATURE *(BY)*:	DATE: (MM-DD-YYYY)
		(4) TITLE/RELATIONSHIP *(of Individual Signing in the Representative Capacity)*	
B(1) BEGINNING OR SOCIALLY DISADVANTAGED FARMER OR RANCHER NAME AND ADDRESS *(Zip Code)*:	(2) SHARE %	(3) SIGNATURE *(BY)*:	DATE: (MM-DD-YYYY)
		(4) TITLE/RELATIONSHIP *(of Individual Signing in the Representative Capacity)*	
C(1) PARTICIPANT'S NAME AND ADDRESS *(Zip Code)*:	(2) SHARE %	(3) SIGNATURE *(BY)*:	DATE: (MM-DD-YYYY)
		(4) TITLE/RELATIONSHIP *(of Individual Signing in the Representative Capacity)*	

811 Processing Applications for TIP

A TIP Application Process

The following provides a chronological guide for processing applications for TIP.

Step	Action
1	FSA will announce TIP through press releases, newsletters, and any other available means. In addition, State and County Offices will conduct additional outreach activities to ensure participation of low income and minority producers.
2	A producer is interested in enrolling in TIP. County Offices shall: • review TIP with the producer • provide the producer with the TIP factsheet and discuss applicable program provisions • explain producer, land, and other eligibility requirements.
3	The retired or retiring owner or operator **and** beginning or SDA farmer or rancher will initiate CRP-1R and identify the following: • State and county code where the acreage being transitioned is administratively located • expiring CRP contract to transition under TIP • TIP contract number and contract acres **Note:** Expiring CRP-1 contract number from CRP-1, item 3, plus the extension "TIP". **Example:** 567-TIP • number of CRP-1 transition acres • farm number • tract number • rental rate/acre from CRP-1, item 7.
4	Retired or retiring owner or operator will self-certify to selling or long-term leasing expiring acres on CRP-1R.

811 Processing Applications for TIP (Continued)

A TIP Application Process (Continued)

Step	Action
5	Beginning or SDA farmer or rancher will self-certify on CRP-1R.
6	The following producers will sign CRP-1R: • retired or retiring owners and operators • beginning or SDA farmers or ranchers • all signatories to CRP-1.
7	Retired or retiring owner or operator and beginning or SDA farmer or rancher will work with NRCS or TSP to develop and complete the modification of conservation plan if land improvements will be made on the land subject to CRP in the last year of CRP-1.
8	Beginning or SDA farmer or rancher will: • develop and implement a conservation compliance plan and submit a completed AD-1026 to the administrative county • ensure that the conservation plan meets applicable standards for sustainable grazing and/or crop production methods.
9	***--**COC or CED after review will provide CRP-1R approval.**--***

812 Managing CRP-1R TIP Contracts and Spot Check Policy

A Participant Responsibilities

All signatories on a CRP-1R are jointly and severally responsible for complying with the terms and conditions of CRP-1R.

Exception: Only signatories that have a share of CRP-1R **and** the beginning or SDA are responsible for compliance. Zero share CRP-1R signatories are not jointly responsible.

B Examples of Violations under TIP

COC shall consider a participant to be in violation of CRP-1R if:

- retired or retiring and/or beginning or SDA withdraws CRP-1R after signing CRP-1R
- participants voluntarily break long term lease or contract for deed after signing CRP-1R
- participants erroneously self-certified to TIP definitions according to paragraph 803

  Note: COC will use personal knowledge to determine accuracy of self-certification on CRP-1R.

- participants do not follow the applicable conservation plan for TIP.

  Notes: County Office will spot check 15 percent of TIP conservation plans until enrollment into TIP reaches the minimum number needed to draw a statistically reliable sample.

  County Office will spot check the conservation plans for TIP through the end date of CRP-1R according to subparagraph 808 A.

If COC determines 1 or more of the participants are in violation of the terms and conditions of CRP-1R, COC will assess a $1,500 per CRP-1R to the applicable participant or participants, in addition to refunds plus interest for any TIP payments issued before the violation was discovered. In the case of a violation, any unpaid TIP payments will not be issued. COC shall determine the participant or participants in violation and assess damages as applicable.

*--C Waiving TIP Liquidated Damages

Determinations to waive liquidated damages shall be made on a case-by-case basis. CRP-1R termination does not automatically warrant waiving liquidated damages. When considering granting waivers, COC and STC shall consider:

- the circumstances in which the contract was terminated
- the agreement by the participants at time of enrollment to transition the acreage for the full term of CRP-1R
- whether the acreage will be restored to production using sustainable methods
- the effect the termination has on the participants.

COC may waive up to 50 percent of the assessed liquidated damages or recommend waiver of 100 percent to STC.

STC may approve requests to waive all liquidated damages.

Liquidated damages shall not be waived when COC or STC determines there was not a good faith effort to comply with the terms and conditions of CRP-1R.

D Submitting Waiver Requests

COC shall submit fully documented requests to STC. Include the following when preparing requests:

- producer's written request
- COC findings
- specific COC recommendations and basis for recommendation, including determination on whether liquidated damages shall be assessed
- copies of all program documents and other County Office records.

E Request for Waivers

For waiver of refunds for TIP, see paragraph 576.**--***

Reports, Forms, Abbreviations, and Redelegations of Authority

Reports

The following lists the required report of this handbook.

Reports Control Number	Title	Reporting Period	Submission Date	Negative Reports	Reference
CEP-58R	Status of CRP Research Project Report	Annually	State Offices submit to Director, CEPD by end of FY	Not required	636

Forms

The following lists all forms referenced in this handbook.

Number	Title	Display Reference	Reference
AD-245	Request for Cost Shares		Text, Ex. 2, 41
AD-862	Conservation Reporting and Evaluation System		Text, Ex. 11
AD-893	Recommendation of Percent of Cropland To Be Enrolled in CRP/WRP	83	81
AD-894	Request for Cropland Waiver	82	81
AD-1026	Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification		Text, Ex. 60
CCC-36	Assignment of Payment		465
CCC-37	Joint Payment Authorization		465
CCC-502	Farm Operating Plan		35, 519, Ex. 60
CCC-505	Voluntary Permanent CAB/Contract Acreage Reduction		401
CCC-526	Payment Eligibility Average Adjusted Gross Income Certification		35, 131, Ex. 60
CCC-674	Certification for Contracts, Grants, Loans, and Cooperative Agreements	Ex. 6	6
CCC-770 CRP1	CRP Contract Approval Checklist	Ex. 35	7
CCC-770-CRP2	CRP Cost Share Payment Checklist	Ex. 35	7
CCC-770-CRP3	CRP Annual Rental Payment Checklist	Ex. 35	7, 462
CCC-770-CRP4	CRP PIP, CP23, CP23A, CP37 and SIP Payment Checklist	Ex. 35	7

Reports, Forms, Abbreviations, and Redelegations of Authority (Continued)

Forms (Continued)

Number	Title	Display Reference	Reference
CCC-901	Members Information 2009 and Subsequent Years		35, 519
CCC-920	Grassland Reserve Program Contract		401
CCC-926 **1**/	Average Adjusted Gross Income (AGI) Statement		35, 131
CCC-931	Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure of Tax Information		35, 131, 401
CCC-933	Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure of Tax Information (For the 2013 crop, program, and fiscal years only)		35, 131, 401
CRP-1	Conservation Reserve Program Contract	Ex. 21, 31	Text, Exhibits
CRP-1 Appendix	Appendix to Form CRP-1, Conservation Reserve Program Contract	Ex. 29	Text
CRP-1 Continuation	Continuation to the Conservation Reserve Program (CRP) Contract		211
CRP-1E Addendum	Addendum Regarding Possession of Conservation Reserve Program (CRP) Property Held by Federal Agency		551
CRP-1G Addendum	CRP-1 Modification to Allow Early Land Preparation	637	35
CRP-1L	Emergency Forestry Conservation Reserve Program Contract		261, 263, 264, Ex. 11
CRP-1R	Conservation Reserve Program Transition Incentives Program Contract	810	Text, Ex. 60-62
CRP-2	Conservation Reserve Program Worksheet	333	Text, Ex. 11, 21, 26
CRP-2C	Conservation Reserve Program Worksheet (for Continuous Signup)	212	Text, Ex. 5
CRP-2F	Emergency Forestry Conservation Reserve Program Worksheet		81
CRP-20	Notice of Conservation Reserve Program (CRP) Contract Termination		551
CRP-23	Notice Regarding Accepted CRP Offers	Ex. 5	215, 341
CRP-24	Notice of Contract Approval	Ex. 5	

1/ CCC-926 is obsolete; however, is still in effect for existing CRP contracts.

Reports, Forms, Abbreviations, and Redelegations of Authority (Continued)

Forms (Continued)

Number	Title	Display Reference	Reference
CRP-25	Notice of CRP Waiver of Ownership	Ex. 5	129
CRP-26	Notice of Unacceptable Offer	Ex. 5	Text
CRP-35	Notice of Offer Reconsideration	Ex. 5	5
CRP-36	Notice Regarding Late-Filed Offer	Ex. 5	336
CRP-37	Request for Incidental Grazing	Ex. 54	720
CRP-42	County Precipitation and Feed and Forage Loss Report		691
CRP-817U	Certification of Compliance for CRP	602	
CRP-117	Request to Participate in Special Haying and Grazing of CRP Acreage	Ex. 47	664, 680, 693, 716
CRP-118	Certification of Participation in Haying and Grazing of CRP Acreage	Ex. 49	664, 680, 693, 716
FSA-18	Applicant's Agreement to Complete an Uncompleted Practice	Ex. 41	520
FSA-325	Application for Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent		468
FSA-570	Waiver of Eligibility for Emergency Assistance		132
FSA-578	Report of Acreage		Text
FSA-695	Conservation Annual Payment Statement	Ex. 36	464
FSA-850	Environmental Evaluation Checklist		367, 635, 639
IRS-1042	U.S. Annual Return of Income Tax To Be Paid at Source		466
IRS-1042S	U.S. Annual Information		466

Reports, Forms, Abbreviations, and Redelegations of Authority (Continued)

Forms (Continued)

Number	Title	Display Reference	Reference
NRCS-CPA-06	Conservation Assistance Notes		369
NRCS-CPA-52	Environmental Evaluation Worksheet		367
NRCS-CPA-1155	Conservation Plan/Schedule of Operations		369, 546
NRCS-CPA-1156	Revision of Conservation Plan/Schedule o f Operations		369
NRCS-LTP-03	Conservation Alternatives		601
NRCS-LTP-013	Status Review		369, 601
SF-424-1	Application for Federal Assistance (Non-Construction)		52
SF-LLL	Disclosure of Lobbying Activities	Ex. 6	6
SF-LLL-A	Disclosure of Lobbying Activities Continuation Sheet	Ex. 6	
Tool Kit Plan	Conservation Plan		Text

Reports, Forms, Abbreviations, and Redelegations of Authority (Continued)

Abbreviations Not Listed in 1-CM

The following lists approved abbreviations not listed in 1-CM.

Approved Abbreviation	Term	Reference
CAB	crop acreage base	240
COLS	Conservation Online System	81, 286, 332, 339, Ex. 21
CP	conservation practice	Text, Ex. 11, 26
CPO	Conservation Plan of Operation	669
CPA	conservation priority area	Text, Ex. 11, 18, 26
C/S	cost share	Text and Exhibits
CREP	Conservation Reserve Enhancement Program	Text
CRP-SIP	CRP-Signing Incentive Payment	Text, Ex. 11
CSP	Conservation Stewardship Program	151, 804, 806
EA	environmental assessment	Text
EBI	environmental benefits index	Text, Ex. 26
EI	erodibility index	81, 151, 774, Ex. 2, 11, 26
EFCRP	Emergency Forestry Conservation Reserve Program	66, Part 9, 546, Ex. 2, 11, 60
ESA	Endangered Species Act	366, 367
EQIP	Environmental Quality Incentives Program	Text
EWP	Emergency Watershed Protection Program	554, 571, 575, 630
EWRP	Emergency Wetlands Reserve Program	81, 571
FID	Feature ID field	181
FRPP	Farm and Ranch Lands Protection Program	554, 575, 630,
FONSI	Finding of No Significant Impact	665, 772
FOTG	Field Office Technical Guide	Text, Ex. 11, 26
FWP	Farmable Wetlands Pilot Program	Text, Ex. 11
GIS	Geographic Information System	550, 772, 773
HFRP	Healthy Forest Restoration Program	554, 575, 630
HUC	hydrologic unit code	Ex. 26
MPL	marginal pastureland	212, 312
NEPA	National Environmental Policy Act	366, 367, 716, 772
NHPA	National Historic Preservation Act	366, 367
NIFA	National Institute of Food and Agriculture	18, 82, 83, 522, 523, 775
NOAA	National Oceanic and Atmospheric Administration	367
NGO	Non-Government Organization	771, 772, 775

Reports, Forms, Abbreviations, and Redelegations of Authority (Continued)

Abbreviations Not Listed in 1-CM (Continued)

Approved Abbreviation	Term	Reference
PAS	Public Affairs Staff, FSA	772
PIP	practice incentive payment	Text, Ex. 11
PLS	pure live seed	426, 491
PNIF	private nonindustrial forestland	261, 262, Ex. 2, 11
PV	present value	264
RA	regional attorney	Text
REX	re-enrollments and extensions	335, 546, 571, Ex. 20, 60
RKLS	Gross Potential Erosion or Potential Erosion	Ex. 26
RUSLE	Revised Universal Soil Loss Equation	52, 151, Ex. 26
SAFE	State Acres for Wildlife Enhancement	Text, Ex. 60
SEC	State Environmental Coordinator	367, 639, 692
SHPO	State Historic Preservation Officer	367, 772, 776
SRC	State Resource Conservationist	Ex. 11
SRR	soil rental rate	Text, Ex. 11
TERRA	Tool for Environmental Resource Results Assessment	171, 181, 286
THPO	Tribal Historic Preservation Officer	367
TIP	Transition Incentive Program	401, 576, 577, Part 21, Ex. 60-62
TIPA	Transition Incentive Program Agreement	126, 401, 463, 577
TSP	Technical Service Provider	Text, Ex. 2, 11, 26
USLE	Universal Soil Loss Equation	151
WBP	Water Bank Program	101, 401
WEQ	Wind Erosion Equation	52, 151
WESL	Wind Erosion Soils List	Ex. 26
WHIP	Wildlife Habitat Incentive Program	151, 181
WRI	wetland restoration incentive	Text, Ex. 11

Redelegations of Authority

The following table lists redelegations of authority in this handbook.

Redelegation	Reference
STC may delegate an official representative to sign documents.	31
COC may delegate to CED the responsibility to approve requests for haying and grazing.	664, 680, 693, 716, 720, 721, 741

Definitions of Terms Used in This Handbook

Affected Acres

Affected acres are the designated CRP acres, as determined by COC, to be in violation of a term or condition of CRP-1.

Agricultural Commodity

An agricultural commodity is any crop planted and produced:

- by annual tilling of the soil
- on an annual basis by one-trip planters.

The following are agricultural commodities:

- sugarcane planted or produced in a State
- alfalfa and other multiyear legumes and grasses:
  - grown in rotation with another agricultural commodity
  - not to exceed 12 years.

Annual Rental Payment

Annual rental payment is, unless the context indicates otherwise, the annual payment specified in the CRP contract that, when authorized, is made to a participant to compensate a participant for placing eligible land in CRP, including any incentive payments **that are not specifically cost-shares**.

Approved Conservation Plan

An approved conservation plan is a plan that contains:

- approved cover
- other required practices necessary for establishing and maintaining cover
- a schedule for installing conservation practices to provide adequate environmental benefits on eligible cropland.

Definitions of Terms Used in This Handbook (Continued)

Arbitrary Holddown

Arbitrary holddown is a predetermined amount that the C/S payment **must** not exceed.

Beginning Farmer or Rancher

A beginning farmer or rancher is, as determined by CCC, a person or entity who:

•***--**has not been a farm or ranch operator or owner for more than 10 consecutive years**--***

- materially and substantially participates in the operation of the farm or ranch involved in the CRP contract modification

- if an entity, is an entity in which 50 percent of the members or stockholders of the entity meets the first 2 requirement of this definition.

Commercial Pond-Raised Aquaculture Facility

A commercial pond-raised aquaculture facility is, as determined by CCC, any earthen facility from which $1,000 or more of freshwater food fish were sold or normally would have been sold during a calendar year.

Conservation District

Conservation District is a subdivision of a State that is organized according to the applicable State conservation district law.

Conserving Use

Conserving use means a use of cropland with such rotation requirement, if any, as may be specified by DAFP, for any alfalfa and other multi-year grasses and legumes planted during 2002 through 2007, any summer fallow during 2002 through 2007, and in the case of land previously enrolled in the program where the grass cover required by CRP-1 continues to be maintained as though still enrolled. Where the land use for a year qualifies as a “conserving use”, the land for that year shall, for the purposes of eligibility under 7 CFR § 1410.6 (a)(1), be considered to have been planted to an “agricultural commodity.”

Definitions of Terms Used in This Handbook (Continued)

C/S Payment

A C/S payment is a payment provided by USDA to help CRP participants establish approved conservation practices that are required on CRP-1.

Cropped Wetlands

Cropped wetlands are farmed wetlands and wetlands farmed under natural conditions.

CRP Contract or CRP-1

CRP contract or CRP-1 is the approved agreement, including the approved conservation plan, that:

- is entered into, in writing, between COC and the participant
- sets forth the terms and conditions for participation in CRP.

Dead or Dry Litter Crop

A dead or dry litter crop:

- provides high tonnage of residue and mulch for erosion control
- conserves moisture until the permanent vegetative cover is established
- is an annual crop established before seeding of a permanent vegetative cover
- is used in arid areas where a lack of moisture prevents establishment of permanent vegetative cover in the normal manner.

Easement Practice

An easement practice is a practice that requires an easement be filed for a specific period of time that identifies FSA real property interest.

Definitions of Terms Used in This Handbook (Continued)

Erodibility Index (EI)

EI is the revised universal soil loss equation factor used to determine the inherent erodibility of a soil without management by dividing the potential average annual rate of erosion (rainfall factor times soil erodibility times (length of slope and percentage slope factor)) for each soil by the predetermined soil loss tolerance (T) value for the soil.

Family Member

A family member defined according to 7 CFR Part 718 and part 1410 as "an individual to whom a person is related as spouse, lineal ancestor, lineal descendant, or sibling, including a:

(1) Great grandparent;
(2) Grandparent;
(3) Parent;
(4) Child, including a legally adopted child;
(5) Grandchild;
(6) Great Grandchild;
(7) Sibling of the family member in the farming operation; and
(8) Spouse of a person listed in items 1 through 7."

Field Windbreak

A field windbreak is a vegetative barrier with a linear configuration composed of:

- trees
- shrubs
- approved perennial vegetation.

Gleaning

Gleaning is placing livestock on fields after harvesting to use the excess crop residue and grains that remain in the field.

Definitions of Terms Used in This Handbook (Continued)

Infeasible to Farm

Infeasible to farm means an area that is too small or isolated to be economically farmed.

Land Permanently Inundated With Water

Land permanently inundated with water is land that is reasonably expected to be under water through the CRP-1 period.

Loss of Merchantable Timber (for EFCRP purposes)

Loss of merchantable timber is defined as the difference between the pre-hurricane economic value of eligible land on the acreage offered for enrollment in EFCRP and the post-hurricane economic value of the entire acreage offered using the spring 2006 Timber Mart-South prices.

Merchantable Timber

Merchantable timber is timber on private nonindustrial forest land on which the average tree has a trunk diameter of at least 6 inches measured at least 4 ½ feet above the ground.

Non-C/S Payment

A non-C/S payment is any CRP payment that is not a C/S payment.

Participant

A participant is an owner or operator who has entered into CRP-1.

Perennial Stream

Perennial stream is a stream that contains water throughout the year. An on-site field visit may be required to make the determination.

Definitions of Terms Used in This Handbook (Continued)

Private Nonindustrial Forestland (PNIF)

PNIF is land with existing tree cover that is owned by an individual, group, association, corporation, Indian Tribe, other legal private entity, or person who receives concurrence from the landowner for practice implementation or State school trust land.

Recharge Area

A recharge area is the area that contributes ground water and salts to the high water table in the discharge area or saline seep. The saline seep cannot be controlled without lowering the ground water in the recharge area. Recharge areas for seeps less than 5 acres shall not exceed a ratio of 10 acres of recharge area per 1 acre of saline seep.

Retention

Retention is the likelihood that the practice established will persist and be maintained beyond the lifespan of CRP-1 and will provide benefits beyond the contract period.

Retired or Retiring Owner or Operator

A retired or retiring owner or operator is an owner or operator of land enrolled in a CRP contract who has ended active labor in farming operations as a producer of agricultural crops or expects to do so within 5 years of the CRP contract modification.

Riparian Buffer

Riparian buffer is a strip of vegetation the purpose of which is to remove nutrients, sediment, organic matter, pesticides, and other pollutants from surface runoff and subsurface flow by deposition, absorption, plant uptake, and other processes, thereby reducing pollution and protecting surface water and subsurface water quality, which are also intended to provide shade to reduce water temperature for improved habitat for aquatic organisms and supply large woody debris for aquatic organisms and habitat for wildlife.

Definitions of Terms Used in This Handbook (Continued)

Saline Seep

A saline seep is an induced temporal (discharge) site with hydro-geologically connected recharge areas that contribute to high concentrations of soluble salts on or near the soil surface, impairing productivity. Discharge areas **must** have a soil electrical conductivity greater than 4 mmhos/cm at 25 degrees Celsius. Other characteristics include:

- ground water usually 4,000 micromhos or greater
- sodium absorption ratio ranges from 0 to 12
- soil pH less than 9
- high water table with electrical conductivity greater than mmhos/cm within 8 feet of the surface some or all of the time (often within 3 feet of the surface).

Seasonal Stream

A seasonal stream is a stream that contains water for only part of the year but more than just during and/or after rainfall or snowmelt. USGS maps shall not be used to determine seasonal streams. An on-site field visit may be required to make the determination.

SDA Farmer or Rancher

A SDA farmer or rancher means a farmer or rancher who is a member of a SDA group whose members have been subjected to racial or ethnic prejudice because of their identity as members or a group without regard to their individual qualities. **Gender is not included as a covered group**. SDA groups include the following and no others unless approved in writing by the Deputy Administrator:

- American Indians or Alaskan Natives
- Asians or Asian-Americans
- Blacks or African Americans
- Hispanics
- Native Hawaiians or other Pacific Islanders.

Definitions of Terms Used in This Handbook (Continued)

Standard Practice

A standard practice is a practice that did not require that an easement be filed when the CRP offer was originally submitted.

State School Trust Land

State school trust land is land that is owned by a State with the explicit purpose of supporting public schools.

Sustainable Farming

Sustainable farming is a farming system using sustainable grazing and crop production methods.

Sustainable Grazing and Crop Production Methods

Sustainable grazing and crop production methods are an integrated system of plant and animal production practices that have a site specific application that would:

- meet man's food and fiber
- enhance the environment and the natural resource base
- use nonrenewable resources efficiently
- sustain the economic viability of the operation.

Technical Assistance

Technical assistance is assistance in regard to determining the eligibility of land and practices, implementing and certifying practices, ensuring contract performance, and providing annual rental rate surveys. The technical assistance provided in connection with CRP to owners or operators, as approved by CCC, includes technical expertise, information, and tools necessary for the conservation of natural resources on land; technical services provided directly to farmers, ranchers, and other eligible entities, such as conservation planning, technical consultation, and assistance with design and implementation of conservation practices; and technical infrastructure, including activities, processes, tools, and agency functions needed to support delivery of technical services, such as technical standards, resource inventories, training, data, technology, monitoring, and effects analyses.

Definitions of Terms Used in This Handbook (Continued)

Technical Service Provider (TSP)

TSP is an individual certified to provide technical assistance on behalf of USDA. Technical assistance includes conservation planning and design, layout, installation, and checkout of approved conservation practices.

Tenancy

Tenancy is the maintaining of acreage according to the Conservation Plan of Operation or, as otherwise required on the farm, as determined by COC.

Tree Planting Plan

The tree planting plan sets forth the silvicultural treatment necessary for planting trees. This plan includes:

- location
- number of acres
- site preparation
- tree species
- specifications
- planting dates
- pre-care and post-care of nursery stock
- maintenance to ensure survival.

Vegetative Cover

Vegetative cover is planted vegetation that has an expected lifespan to sufficiently protect the land for the life of CRP-1. Vegetative cover includes:

- trees
- perennial grasses
- legumes
- forbs or shrubs.

Water Cover

Water cover is the flooding of land by water to develop or restore shallow water areas for wildlife enhancement.

Definitions of Terms Used in This Handbook (Continued)

Wellhead Protection Area

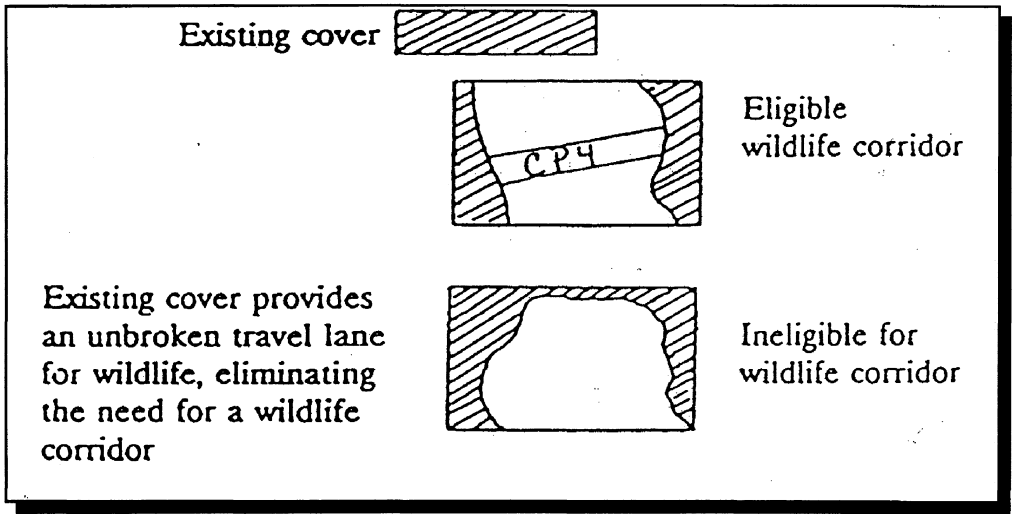
An approved public wellhead protection area is the area designated by the appropriate State agency with an EPA-approved Wellhead Protection Program for water being drawn for public use, as defined for public use by the Safe Drinking Water Act, as amended.

Wildlife Corridor

A wildlife corridor is a strip of land, 1 to 3 chains in width, which includes woody vegetation as determined by STC, in consultation with the State Technical Committee, that

- connects existing wildlife cover
- provides travel lanes for wildlife through a nonprotective cover area.

The following are examples of eligible and ineligible wildlife corridors.



Letters Notifying Producers of Offer and Eligibility Status

A Example of CRP-23

The following is an example of CRP-23.

Note: The producer is not required to notify the County Office in writing; however, the County Office shall notate the producer's response in the CRP folder. See paragraph 341.

*--

USDA | **United States Department of Agriculture** | Farm and Foreign Agricultural Services | Farm Service Agency

NOTICE REGARDING ACCEPTABLE CRP OFFERS

Date: *(MM-DD-YYYY)* _____

Dear: _____

This notice is to inform you that your offer on tract _____ under the Conservation Reserve Program (CRP) has been determined acceptable by the National Office.

The Natural Resources Conservation Service (NRCS) or Technical Service Provider (TSP) must develop a plan, approved by the Conservation District, and signed by all signatories on the CRP contract offer to participate in the CRP. So that we may continue to process your offer, you should continue to work with NRCS or TSP to obtain the required plan on the acreage which is subject to the offer. Your offer cannot be approved by the County Committee without an approved conservation plan.

Practices to be carried out under CRP may be started with the understanding that cost-share payments will **not** be made if the practice is not included in the approved conservation plan.

You have 30 days from the date of this letter to notify this office of whether you want your offer approved to participate in the CRP so that NRCS or TSP may begin plan development. If we do not hear from you within the 30-day period, we will reject your offer and assess liquidated damages. Liquidated damages will also be assessed if you decide not to participate. Damages will equal 25 percent of your offer rate times the number of acres offered for CRP.

The same acreage cannot be enrolled under CRP and Direct and Counter-Cyclical Program (DCP). The total of the CRP and DCP acres on a farm cannot exceed the total eligible land for the program on the farm. The owner of the land offered for CRP may be required to reduce all or a portion of DCP acreage before CRP-1 will be approved. Please contact the _____ County FSA Office for more information.

Sincerely,

_____
County Executive Director

CRP-23 (02-13-12)

FSA
An Equal Opportunity Provider and Employer

--*

B Using CRP-23

Because continuous signup offers and standard signup offers are not processed in the same manner and certain provisions do not apply to both offer types, County Offices **must** ensure that the correct information is provided in CRP-23.

CRP-23 **must** be:

- reproduced locally, including form number and date
- prepared in duplicate
- mailed to producers **before** CRP-1 is approved.

County Offices shall:

- for standard signup offers:
  - use CRP-23 to notify producers that:
    - their CRP offer has been determined acceptable by the National Office
    - they have 30 days from the date of the letter to notify the County Office whether they want the offer approved provided all eligibility requirements are met
    - liquidated damages will be assessed if they decide not to participate
    - they **must** work with the technical agency to develop a conservation plan
    - the same acreage cannot be enrolled under CRP and DCP

    --Note:** See subparagraph 401 B.**--
- mail original CRP-23 to producer and file copy with the offer
- adapt CRP-23 to fit the situation

B Using CRP-23 (Continued)

- for continuous signup offers:
  - use CRP-23 to notify producers that:
    - their CRP offer has been determined acceptable by COC
    - they **must** work with the technical agency to develop a conservation plan
    - the same acreage cannot be enrolled under CRP and DCP

    --Note:** See subparagraph 401 B.**--

    - the offer will be void if CRP-1 is not approved within 6 months of the date the producer signs CRP-2C
    - all crops **must** be removed from the acreage before CRP-1 effective date
    - if applicable, producer will be notified when CRP-1 is completed and ready for producer's signature; see paragraph 214
    - starting the practice before CRP-1 approval is at the producer's own risk
    - a paid-for measurement service is required, if applicable
  - mail original CRP-23 to producer and file copy with the offer
  - adapt CRP-23 to fit the situation
  - not include language regarding assessment of liquidated damages.

C Example of CRP-24

The following is an example of CRP-24.

USDA **United States Department of Agriculture** | Farm and Foreign Agricultural Services | Farm Service Agency | [Enter]

NOTICE OF CONTRACT APPROVAL

Date *(MM-DD-YYYY)* _____

Dear: _____

Your offer to place land in the Conservation Reserve Program (CRP) has been approved by the _____ County Committee.

Enclosed are your signed copies of the CRP contract and attachments. The effective date of the CRP contract is _____ .

Form AD-245 is provided for those conservation practices that are to be established in accordance with the approved conservation plan as part of your contract. When the practices are completed, you must provide this office a report of performance by signing the AD-245 and include all receipts affiliated with practice establishment so cost-share payment can be made.

Sincerely,

_____
County Executive Director

Enclosures

CRP-24 (07-23-10)

FSA
An Equal Opportunity Provider and Employer

D Using CRP-24

County Offices shall:

- use CRP-24 to notify producers that their offer to place land in CRP has been approved and the effective date of the contract

- adapt CRP-24 to fit the situation

- reproduce CRP-24 locally

  Note: Include the form number and date on the reproduction.

- prepare CRP-24 in duplicate.

  - Mail original to producer.
  - File a copy with CRP-1.

E Example of CRP-25

This is an example of CRP-25.

Reproduce locally. Include form number and date on reproductions.

CRP-25
(08-25-96)

U.S. DEPARTMENT OF AGRICULTURE
Farm Service Agency

(Enter County Office name and address)

(Enter current month, day, and year)

NOTICE OF CRP WAIVER OF OWNERSHIP

Dear _____:

It has been determined that a brief involuntary loss of ownership, because of foreclosure action initiated by a lending institution or voluntary loss instead of foreclosure, does not necessarily make a producer ineligible to participate in the Conservation Reserve Program (CRP). If a producer is purchasing a farm that the producer originally owned, the producer may participate in CRP if all other eligibility requirements are met.

Documentation submitted shows that you were the original owner and that you now have the opportunity to repurchase the farm.

Based on this information, it has been determined that the land is not being purchased for the purpose of placing it into CRP. You must complete purchase of the farm before you will be eligible to submit an offer or enrollment. If an acceptable offer is submitted and you agree, in writing, that the contract shall not be assumed by a successor in interest, you are eligible to participate in CRP.

Sincerely,

_____
County Executive Director

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, marital status, sexual orientation, or disability.

F Using CRP-25

County Offices shall:

- use CRP-25 to notify producers who had a brief involuntary loss of ownership, because of foreclosure, that they may participate because all other eligibility requirements are met

- adapt CRP-25 to fit the situation

- reproduce CRP-25 locally

  Note: Include the form number and date on the reproduction.

- prepare CRP-25 in duplicate.

  - Mail original to producer.
  - File a copy with the offer.

G Example of CRP-26

This is an **example** of CRP-26. County Offices shall adapt CRP-26 to fit the situation according to 1-APP.

Note: This is only an example.

USDA **United States Department of Agriculture** | Farm and Foreign Agricultural Services | Farm Service Agency | [Enter]

NOTICE OF UNACCEPTABLE OFFER

Date: *(MM-DD-YYYY)* _____

Dear: _____

Thank you for your offer to place land in the Conservation Reserve Program (CRP). Your offer to participate in the _____ (year) CRP was not accepted because:

- ☐ Environmental Benefits Too Low
- ☐ Land Determined Ineligible
- ☐ Payment Rate Offered Exceeded the Maximum Payment Rate
- ☐ County Cropland Limitation Has Been Reached
- ☐ Existing Restrictive Easement
- ☐ 1-Year Ownership/Operatorship Eligibility Not Met
- ☐ Ineligible Cropping History
- ☐ Landowner/Tenant Provision Not Met
- ☐ Other

If you feel that all the facts have not been considered in your case, you may: _____
_____ .

You need to provide factual information and reasons why you believe this determination is not correct.

Although your offer was not accepted, you may be eligible for the continuous sign-up of high priority conservation practices such as filterstrips, riparian buffers, grass waterways, shelter-belts, field wind breaks, living snow fences, contour grass strips, salt tolerant vegetation, or shallow water areas for wildlife. We have enclosed a copy of a FSA continuous signup fact sheet. Please contact our office if you are interested.

It may be possible that your offer for general sign-up may be modified to increase the environmental benefits and the likelihood of acceptance in a future signup.

Sincerely,

_____
County Executive Director

Enclosures

CRP-26 (07-23-10)

FSA
An Equal Opportunity Provider and Employer

H Using CRP-26

County Offices shall:

- use CRP-26 to notify producers that their CRP offer was unacceptable

  Note: When using CRP-26 to notify producers that their continuous signup offer was not acceptable, County Offices shall modify CRP-26 by removing the language regarding:

  - continuous signup
  - increasing the environment benefits.

- check appropriate box on CRP-26

- modify CRP-26 to provide appropriate appeal rights under 1-APP

  Note: Modifications include:

  - number of days to appeal or request mediation

  - appeal rights to COC only; to COC, STC, or NAD; or the right to request mediation.

- reproduce CRP-26 locally

  Note: Include the form number and the date on the reproduction.

- prepare CRP-26 in duplicate, and distribute as follows:

  - mail the original to the producer
  - file a copy with the offer

- include CRP continuous signup fact sheet when notifying producers that their offer under a general signup was not acceptable.

H Using CRP-26 (Continued)

County Offices may adapt CRP-26 to fit the situation.

Examples: Following are examples of adapting CRP-26 to different situations.

- Including the producer's EBI score and the national cutoff score.

  Note: Offers in counties that have met the 25-percent cropland limitation may have an effective cutoff score that is different than the national average EBI cutoff score.

- Explaining why the acreage or producer was determined ineligible.

- Including the maximum payment rate and the producer's offered amount.

I Example of CRP-35

This is an example of CRP-35.

USDA

United States
Department of
Agriculture

Farm and Foreign
Agricultural Services

Farm Service
Agency

Anywhere State
FSA Office
Any Town, ST
45678-1423

NOTICE OF OFFER RECONSIDERATION

Dear: _____ Date: _____

A change in the technical determination recently provided to the Farm Service Agency by the Natural Resources Conservation Service or Technical Service Provider (TSP) regarding your Conservation Reserve Program (CRP) offer warrants the reconsideration of your offer for a CRP contract.

Though many offers that are reconsidered will not result in a contract, the change that was provided for your offer may make it acceptable to FSA. After it is re-evaluated by the National FSA Office, you will be notified as soon as possible of the final acceptance or rejection determination of your offer.

We regret any inconvenience that this may have caused you.

Sincerely,

_____
County Executive Director

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.

CRP-35 (05-02-03)

USDA is an Equal Opportunity Employer

J Using CRP-35

County Offices shall:

- use CRP-35 to notify producers that their CRP offer has been changed because of a change in the technical determination by NRCS or TSP

- adapt CRP-35 to fit the situation

- reproduce CRP-35 locally

  Note: Include the form number and date on the reproduction.

- prepare CRP-35 in duplicate.

  - Mail original to producer.
  - File a copy with the offer.

K Example of CRP-36

This is an example of CRP-36.

Reproduce locally. Include form number and date on reproductions.

CRP-36
(8-20-98)

U.S. DEPARTMENT OF AGRICULTURE
Farm Service Agency

(Enter County Office name and address)

(Enter current month, day and year)

NOTICE REGARDING LATE-FILED OFFER

Dear _____,

The _____ County FSA Office is sorry to inform you that your offer under the Conservation Reserve Program (CRP) will not be considered.

Offers under the CRP must be received by the County FSA Office no later than close of business the last day of signup, which was _____. Your offer was received in the County FSA Office on _____.

If you do not agree with this determination, you should request procedures for reconsideration, appeal, or both, in writing to the County Committee at the above address within 30 days of this letter.

If you have any other questions about the program, please call this office or contact your County FSA Committee member.

Sincerely,

_____
County Executive Director

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice of TDD). USDA is an equal opportunity provider and employer.

L Using CRP-36

County Offices shall:

- use CRP-36 to notify producers that their CRP offer was **not** received in a timely manner
- adapt CRP-36 to fit the situation, according to 1-APP
- reproduce CRP-36 locally

  Note: Include the form number and date on the reproduction.

- prepare CRP-36 in duplicate.
  - Mail original to producer.
  - File a copy with the offer.

Forms for Complying With Lobbying Disclosure Requirements

A Example of CCC-674

The following is an example of CCC-674.

REPRODUCE LOCALLY. *Include form number and date on reproductions.* Form Approved - OMB No. 0348-0046

CCC-674
(05-17-90)

U.S. DEPARTMENT OF AGRICULTURE
Commodity Credit Corporation

CERTIFICATION FOR CONTRACTS, GRANTS, LOANS, AND COOPERATIVE AGREEMENTS

NAME AND ADDRESS OF RECIPIENT

TRANSACTION DOCUMENT *(Loan No., Contract No., CCC-6 No(s)., Check No., etc.)*

PROGRAM YEAR

To comply with lobbying disclosure requirements (31 U.S.C. 1352), applicants for and recipients of: 1) A Federal loan exceeding $150,000; or 2) A Federal contract, grant, or cooperative agreement payment exceeding $100,000 must file, with the disbursing office:

A. If they have not or will not use monies received for lobbying purposes, CCC-674.
B. If they have or will use monies received for lobbying purposes, SF-LLL.

CERTIFICATION

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

RECIPIENT SIGNATURE

DATE

Public reporting burden for this collection is estimated to average 5 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, marital status, or handicap.

Forms for Complying With Lobbying Disclosure Requirements (Continued)

B Example of SF-LLL

The following is an example of SF-LLL.

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB 0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action: ☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	**2. Status of Federal Action:** ☐ a. bid/offer/application b. initial award c. post-award	**3. Report Type:** ☐ a. initial filing b. material change **For Material Change Only:** year _____ quarter _____ date of last report _____
4. Name and Address of Reporting Entity: ☐ Prime ☐ Subawardee Tier _____, *if known*: **Congressional District**, *if known*:	**5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:** **Congressional District**, *if known*:	
6. Federal Department/Agency:	**7. Federal Program Name/Description:** CFDA Number, *if applicable*: _____	
8. Federal Action Number, *if known*:	**9. Award Amount**, *if known*: $	
10. a. Name and Address of Lobbying Registrant (*if individual, last name, first name, MI*):	**b. Individuals Performing Services** (*including address if different from No. 10a*) (*last name, first name, MI*):	
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less that $10,000 and not more than $100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____	
Federal Use Only:		Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

Forms for Complying With Lobbying Disclosure Requirements (Continued)

C Instructions for Completing SF-LLL

The following are instructions for completing SF-LLL.

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

Forms for Complying With Lobbying Disclosure Requirements (Continued)

D Example of SF-LLL-A

The following is an example of SF-LLL-A.

DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET

Approved by OMB
0348-0046

Reporting Entity: _____ Page _____ of _____

Authorized for Local Reproduction
Standard Form - LLL-A

MOU/Memorandums of Agreement

A Example of CRP Reservation MOU Between FSA, FWS, and Participant

The following is an example of the MOU between FSA, FWS, and the participant.

CONSERVATION RESERVE PROGRAM RESERVATION

Memorandum of Understanding

Vendor reserves the use of the property for agricultural purposes until_____, 20__. The U.S. Fish and Wildlife Service recognizes that the property is enrolled in the Conservation Reserve Program and the vendor reserves the right to continue in the Conservation Reserve Program and receive such payment, if any, as may be earned for the period ending _____, 20__. It is understood that the vendor is responsible for maintaining the property according to the terms and conditions of the Conservation Reserve Program and that the vendor will continue in the program for the duration of this reservation. The U.S. Fish and Wildlife Service does not warrant or represent that the vendor is entitle to continue participation in the Conservation Reserve Program. The U.S. Fish and Wildlife Service agrees it will not affect the property in any way which will violate the terms and conditions of the Conservation Reserve Program. On _____, 20__, or upon the date the property is no longer enrolled in the Conservation Reserve Program will terminate and full use and possession of the property shall transfer to the United States.

_____
Vendor (Producer)

_____
U.S. Fish and Wildlife Service

_____
Farm Service Agency County Committee,
_____ County in the
State of _____.

MOU/Memorandums of Agreement (Continued)

B Memorandum of Agreement Between CCC, FSA, and FS

The following Memorandum of Agreement was established between CCC, FSA, and FS for administration of CRP.

MEMORANDUM OF AGREEMENT
BETWEEN THE COMMODITY CREDIT CORPORATION, FARM SERVICE AGENCY, AND THE FOREST SERVICE
Executed February 2007

This MEMORANDUM OF AGREEMENT (Agreement) is made and entered into by the Commodity Credit Corporation (CCC), Farm Service Agency (FSA) and the Forest Service (FS) with respect to the administration of the CCC's Conservation Reserve Program (CRP). The purpose of this agreement is to delineate the responsibility of CCC, FSA and FS with respect to CRP forestry practices technical assistance.

Accordingly:

A. FS, acting on behalf of State Foresters, will, subject to the availability of funds:

1. Ensure that a sufficient number of qualified employees (both FS and State Forestry Agency personnel) are available to provide timely silvicultural recommendations for all forestry practice acreage offered for CRP enrollment.

2. Accurately complete and properly document the portion of CRP forms which prescribe forestry practices including proper tree planting recommendations, thinning and mid-contract activities.

3. Ensure site visitations occur and practice plans are developed and provided to participating landowners with forestry practices. Such plans will include proper tree planting procedures, proper site/species selection, site preparation recommendations, erosion control recommendations, post planting care including thinning and mid-contract activities such as prescribed burning. For continuous (CCRP) and Conservation Reserve Enhancement Program (CREP) acreage, all conservation plans shall be completed (including signatures) within 90 calendar days of the time when the producer indicates a desire to complete contract approval but no later than 10 calendar days before the effective date of the contract. For general signup offers that are considered acceptable and where applicants have indicated a desire to complete contract approval, conservation plans shall be completed within 90 calendar days.

4. Provide complete site compliance checks after a practice is completed and furnish verification of proper practice installation to the local FSA office.

5. Ensure that seedlings acquired from State Nurseries come from appropriate seed sources.

6. Provide site inspections and technical assistance if a forestry practice failure occurs.

7. Bill FSA annually within 30 days after final reimbursement figures are calculated according to this Agreement for all technical assistance work done on completed tree practice acreage.

B Memorandum of Agreement Between CCC, FSA, and FS (Continued)

8. For the Longleaf Pine CCRP, bill FSA within 30 days of March 31, 2007, June 30, 2007, and January 31, 2008 with a final bill after all contracts have been confirmed, on or about March 30, 2008.

B. FSA will, subject to the availability of funds:

1. Provide photocopies of aerial photography and a copy of the CRP-2 in a timely manner for all forestry practice acreage offered.

2. Provide completed acreage figures for each State for each sign-up in a timely manner based on the March 2008 upload of contract data. This will include General, Continuous, and CREP acreage.

3. Provide accepted acreage figures for each State for the Longleaf Pine CCRP on March 31, 2007, June 30, 2007, and January 31, 2008. Final State-level figures for all accepted Longleaf Pine acres will be provided based on the March 2008 upload of contract data.

4. Provide national estimates for all forestry activities for future years.

C. CCC will, subject to the availability of funds:

1. Reimburse FS for all technical assistance resulting from forestry activities on newly enrolled and re-enrolled acreage at a rate of $22 per acre for all forestry practices. This includes but is not limited to CP3 Tree Planting, CP3A Hardwood Tree Planting, CP11 Vegetative Cover - Trees – Already Established, CP22 Riparian Buffers, CP23 Wetland Restoration (floodplain), CP23A Wetland Restoration (non-floodplain), CP28 Farmable Wetland Pilot (Upland), CP30 Wetland Buffer, CP31 Bottom Land Timber Establishment on Wetlands, CP32 Expired CRP Hardwood Tree Planting on Marginal Pastureland, and CP36 Longleaf Pine. The following procedure will determine the acres of trees planted in wetlands (CP23, CP23A, and CP28) and wetland buffers (CP30):

   a. 95 percent of acres enrolled under CP23, CP23A, CP28, and CP30 in Southeastern and Northeastern States will be considered planted to trees (Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Massachusetts, Maryland, Maine, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia).

   b. 50 percent of acres enrolled under CP23, CP23A, CP28, and CP30 in Midwestern States will be considered planted to trees (Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio and Wisconsin).

   This rate is applicable to all CRP activities including general CRP sign-up, Continuous CRP sign-up, and CREP Agreements.

2. Base reimbursement on the data in the CRP accomplishment's report for forestry activities, using the March 2008 upload of contract data and other dates for the Longleaf Pine CCRP.

MOU/Memorandums of Agreement (Continued)

B Memorandum of Agreement Between CCC, FSA, and FS (Continued)

D. Miscellaneous

1. In the event that adequate funding is not made available, FS, FSA, and CCC agree that FS will terminate the responsibilities assigned to FS under this agreement as agreed to under the termination clause of this agreement, and CCC may use a third party to complete the work.

2. It is mutually agreed that this Agreement is effective when signed and shall continue in full force and effect through September 30, 2007. The Agreement may be terminated at any time with thirty days notice by one party. Should this Agreement be terminated, billing will be submitted for services rendered prior to the date of termination for which payment has not been received. This Agreement may be modified by amendment by duly executed officials of CCC, FSA and FS, or their designees. FS and FSA will enter annually into a National Level Reimbursement Agreement (Form AD-672) based on this interagency agreement and any amendments hereto, subject to the availability of funds for CRP Tree Planting and Thinning technical assistance.

The AUTHORITY under which this agreement is entered into is the Food Security Act of 1985, as amended, and the CCC Charter Act, as amended.

IN WITNESS WHEREOF, the parties have executed this agreement as follows:

Teresa C. Lasseter
Teresa C. Lasseter
Administrator
Farm Service Agency and
Executive Vice President
Commodity Credit Corporation

3/7/07
Date

Abigail R. Kimbell
Abigail R. Kimbell
Chief
Forest Service

2/15/07
Date

C Memorandum of Agreement Between NRCS, FSA, and CCC

The following Memorandum of Agreement was established between NRCS, FSA, and CCC for the implementation, cooperation, expectation, and responsibilities in carrying out CRP.

Memorandum of Agreement (MOA)

Between

Natural Resources Conservation Service (NRCS),

Farm Service Agency (FSA),

And

Commodity Credit Corporation (CCC)

For Implementation of the Conservation Reserve Program (CRP)

Through September 31, 2012

I. Purpose

The purpose of this MOA is to provide for the implementation, cooperation, expectations, and responsibilities between NRCS, FSA, and CCC in carrying out the CRP.

II. General Provisions

Technical assistance is needed for the implementation of the CRP and FSA, acting on behalf of CCC, has determined that NRCS has personnel with expertise who can provide the technical assistance needed for the implementation of the CRP.

III. Authority

This MOA is authorized by Title XII of the Food Security Act of 1985, as amended (1985 Act). Other authorities may also apply.

IV. Responsibilities

NRCS, FSA, and CCC agree, subject to the availability of funds, that:

A. NRCS will:

1. As directed by FSA, provide technical assistance both directly or through NRCS approved Technical Service Providers (TSP) and assure all technical work done will meet NRCS technical requirements, including the National Planning Procedures Handbook for conservation planning and the Field Office Technical Guide (FOTG) requirements for conservation practices and systems.

MOU/Memorandums of Agreement (Continued)

C Memorandum of Agreement Between NRCS, FSA, and CCC (Continued)

2. According to the NRCS Cost of Programs Model, carry out the following tasks for the implementation of CRP, including new general and continuous enrollments, re-enrollments and extensions for general signup, and re-enrollments for continuous signup:

   a. Determine certain program eligibility for the Continuous CRP (CCRP), Conservation Reserve Enhancement Program (CREP), and the Farmable Wetland Program (FWP);

   b. Conservation planning;

   c. Conservation practice design systems implementation and certification of ten percent of all practices;

   d. Provide policy and program support.

3. Provide sufficient information regarding the NRCS Cost of Programs Model for FSA to validate NRCS tasks and costs. This includes providing to FSA the estimated per hour (salary and benefits) labor costs and the actual time expenditure per task. NRCS shall provide separately the overhead cost associated with CRP.

4. Provide FSA with NRCS CRP technical assistance cost estimates as necessary due to program changes according to the NRCS Cost of Programs Model.

5. Comply with the 1985 Act, the regulations at 7 CFR part 1410, procedures in 2-CRP Handbook, paragraphs A13-A15 set forth in this agreement per 2006 Streamlining, and other signed joint agency letters, and other laws pertaining to CRP.

6. Submit to FSA monthly billings by the 10th of each month for direct charge from NRCS time and accounting system information for reimbursement of actual cost of technical assistance provided by NRCS that will be paid within ten days. The monthly billing will include the unit (number of plans and acres) of each NRCS cost of the program's model tasks. NRCS also agrees to provide such other information requested by FSA to verify NRCS costs and that payment is conditioned upon receipt by FSA of this information.

7. In accordance with NRCS's environmental evaluation in planning and cultural resources policies, NRCS, on behalf of FSA, lead agency, is responsible in assisting FSA in complying and adhering to FSA's environmental and cultural resource policy in FSA's Environmental Quality Programs Handbook 1-EQ regarding compliance with the National Environmental Policy Act (NEPA), National Historic

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MOU/Memorandums of Agreement (Continued)

C Memorandum of Agreement Between NRCS, FSA, and CCC (Continued)

Preservation Act (NHPA), Endangered Species Act (ESA), Clean Water Act, and all other applicable Federal, State, Tribal, and local environmental laws, regulations, and Executive Orders.

8. Be responsible for completing, and providing to FSA, a copy of the NRCS form CPA-052, Environmental Evaluation (EE) in planning worksheet(s) or State modified version of the CPA-052, to document the potential environmental impacts associated with the proposed CRP contract and associated conservation practices and for recommending further action by FSA, the lead agency, to complete their regulatory responsibilities.

9. In accordance with NRCS General Manual (GM),190, Part 410.5, Environmental Evaluation in Planning and GM 420, 401.11, Cultural Resources administrative responsibilities; provide FSA with copies of associated documentation as feasible, and additional information supporting the recommendations and findings on the NRCS CPA-052, EE planning worksheet or State modified version. FSA will complete required consultation before signing the NRCS CPA-052 form or State modified form and carry out such consultation with the State Historic Preservation Officer (SHPO) and Tribal governments or their Tribal Historic Preservation Officers (THPOs). This will help ensure that FSA will make an informed decision regarding the effects of its proposed action and any alternatives considered.

10. Revise (by making pen and ink changes) and sign conservation plans when the land is sold and the CRP contract is succeeded to, provided the technical assistance was originally performed by NRCS and not a technical service provider.

11. Revise, as appropriate, the conservation plan when the performance is different than the conservation plan, but meets FOTG specifications and NRCS is willing to certify compliance. NRCS will make the revision (pen and ink), provided that the technical assistance was originally performed by NRCS and not a technical service provider.

12. Revise, as appropriate, according to NRCS FOTG and sign the conservation plan, as appropriate, when contracts are modified.

13. Conduct annual status reviews on at least ten percent (includes TSPs) of all CRP contracts as requested by FSA.

14. Conduct practice certifications on approximately ten percent (includes TSPs) of all practice applications (Form AD-862) for all CRP practices nationwide for which NRCS has technical responsibility for the assigned practices identified in the conservation plan. Provide FSA applicable verification of the technical assistance work on Forms CRP-2 and AD-

3

C Memorandum of Agreement Between NRCS, FSA, and CCC (Continued)

862.

15. For general signup, reduce the hours of work tasks for "second year" tasks from the 2005 level of 7.07 hours to the 2006 streamlined level of 5.85 hours. This reduction reflects a change that practice layout/surveys and practice check outs on second-year contracts be performed on an as-needed basis only. This reduction in hours does not change the overall obligation to perform general signup work, but allows for a reduction of time for field visits.

16. For re-enrollments of expiring contracts, reduce the hours of work tasks for "first year" conservation planning and "second year" implementation from the 2005 streamlined level of 19.12 hours to the 2006 streamlined level of 9.11 hours. These reductions reflect overall time savings associated with performing workload tasks on established practices. Field visits will be conducted on an as-needed basis as determined at the local level. This reduction in hours does not change the overall obligation to perform re-enrollment work, but allows NRCS the opportunity to reduce field time by reviewing FSA compliance field notes.

17. For the Emergency Forestry Conservation Reserve Program (EFCRP), subject to available funding, the reimbursement per contract will be $210 per contract to perform associated workload tasks. These include resource assessment, development of the contract support documents, and contract support documentation review with the Conservation District and participant. NRCS agrees that where there is no State Forestry presence, that said Agency will complete the task assigned to implement the EFCRP, in accordance with the CRP authorizing statute and regulation. The following States are eligible for EFCRP: Alabama, Florida, Louisiana, Mississippi and Texas.

18. For the constructed wetlands practice under the Farmable Wetlands Program (FWP) or state Conservation Reserve Enhancement Programs, and subject to available funding, the reimbursement per contract will be $35,000. This reimbursement is for engineering services related to the constructed wetlands practice.

19. At the State level, conduct quality control reviews and assist FSA in providing training to ensure high levels of customer service through the CRP.

B. FSA has overall program authority and responsibility and will:

1. Administer all CRP contracts, including compliance determinations.

2. Receive apportioned CRP funds directly from Office of Management and

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MOU/Memorandums of Agreement (Continued)

C Memorandum of Agreement Between NRCS, FSA, and CCC (Continued)

Budget (OMB);

3. Subject to terms of an OMB apportionment, reimburse National NRCS office monthly for actual cost of technical assistance according to NRCS time and accounting system information, in accordance with paragraph A-6, A-17, and A-18 of the agreement. Reimbursement will be made within 10 days of receipt of the invoice.

4. Maintain responsibility as the lead agency for purposes of complying with the provisions of the NEPA, NHPA, ESA, and other applicable laws, Executive Orders, and regulations as provided for in FSA's Environmental Quality Programs Handbook 1-EQ.

5. Complete all consultations with the State Historic Preservation Officer, Tribal Historic Preservation Officer, Tribal governments, as required of its status as the lead agency, and all findings of historic property National Register of Historic Places eligibility and effects to these properties, as required by the Advisory Council on Historic Preservation (ACHP) regulations at 36 CFR Part 800. FSA will make the final determination of finding of effects in regards to the potential impacts to the environment, determinations of eligibility and effect and decisions on appropriate treatments regarding cultural resources related to the proposed CRP contract and associated conservation practices according to regulations at 36 CFR part 800.2(a)(2).

6. Be responsible for completing all consultations with the U.S. Fish and Wildlife Service and National Marine Fisheries Service, as required by FSA, or other documentation as indicated and deemed appropriate in order to make and support the determination of finding of effects in regard to the potential impacts to the environment, and effect and decisions on appropriate treatments regarding at-risk species and other natural resource concerns related to the proposed CRP contract and associated conservation practices.

7. Inform NRCS of anticipated general, continuous, CREP, and FWP signups and the targeted enrollment acres at least 12 months in advance of each signup, or as practicable.

8. If it deems appropriate and subject to the availability of funds, pay NRCS $500,000 for the review of soils data for technical determinations, soil rental rate analysis, and technical capabilities of TSPs.

9. Provide to NRCS, within 30 days prior to fiscal year end, the estimated Technical Assistance reimbursable spreadsheet.

C. NRCS, FSA, and CCC agree to:

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C Memorandum of Agreement Between NRCS, FSA, and CCC (Continued)

1. Cooperate at all levels to ensure consistent implementation of CRP policies and procedures. When differences occur, the parties will provide information and recommendations to the next level (i.e. county offices will forward information and recommendations to the State offices, State offices will forward information and recommendations to National Office). The Chief, NRCS, and Administrator, FSA, have final authority for ensuring consistent implementation of CRP policies and procedures.

2. Attempt to resolve, expeditiously and informally, any disagreements concerning this MOA. If a resolution cannot be reached at the district/county level, issues shall be elevated first to the State and then, if necessary, to the National level.

3. Maintain current agreements on streamlining technical assistance (such as producer self-certification of non-engineering practices) and continue to pursue further streamlining efforts to gain greater efficiencies, reduce workload, and minimize costs of delivering CRP without loss of conservation benefits while ensuring the conservation technical assistance is a prudent expenditure of government resources.

4. Sixty days prior to budget Mid-Session review, review the actual CRP enrollment estimates to date and update the Cost of Programs model accordingly.

5. Have CCC, FSA, and NRCS enter into a national level reimbursable agreement (Form AD-672) for each fiscal year based on this MOA and any amendments hereto, for CRP technical assistance.

V. MISCELLANEOUS PROVISIONS

A. All funding commitments of all parties in this MOA are subject to the availability of funds. In the event that adequate funding is not made available, FSA and CCC agree that NRCS may terminate the responsibilities assigned to NRCS under this agreement as agreed to under the termination clause of this agreement.

B. It is mutually agreed that this Agreement is effective when signed by all parties and shall continue in full force and effect through September 30, 2012. The Agreement may be terminated at any time with thirty days notice by one party. Should this Agreement be terminated, billing will be submitted for services rendered prior to the date of termination for which payment has not been received. This Agreement may be modified by amendment duly executed by officials of FSA and NRCS. NRCS and FSA will enter annually into a National Level Reimbursement Agreement (Form AD-672) based on this interagency agreement and any amendments hereto, subject to the availability of funds for NRCS technical assistance.

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MOU/Memorandums of Agreement (Continued)

C Memorandum of Agreement Between NRCS, FSA, and CCC (Continued)

C. Neither CCC, FSA nor NRCS, shall assign or transfer any rights or obligations under this Agreement without prior written approval of the other party.

D. CCC, FSA and NRCS agree that, to the extent possible under applicable law, each party will be solely responsible for its own acts, omissions, and the results thereof, and shall not be responsible for the results thereof caused by the acts or omissions of the other party.

E. The Deputy Administrator for Farm Programs, Farm Service Agency or the Deputy Administrator designee or successor, is delegated authority to carry out this Agreement for FSA and CCC, and, with the NRCS Chief, or designee, may further amend this Agreement consistent with the provisions of the 1985 Act, as amended, and the regulations at 7 CFR part 1410. The provisions of this Agreement may only be modified by written agreement between the parties.

F. All parties to this MOA will comply fully with the information gathering provisions of section 1619 of the Food, Conservation, and Energy Act of 2008, P.L. 110-246 (a.k.a. the 2008 Farm Bill), as well as section 2004 of the Farm Security and Rural Investment Act of 2002, P.L. 107-171 (a.k.a. the 2002 Farm Bill), the Privacy Act, the Freedom of Information Act, and related acts concerning privacy and the dissemination of records.

NATURAL RESOURCES
CONSERVATION SERVICE

Dave White 6-11-09

Dave White
Chief, NRCS — Date

FARM SERVICE AGENCY/
COMMODITY CREDIT CORPORATION

5-21-09

Douglas J. Caruso
Administrator, FSA, and
Executive Vice President, CCC — Date

7

National CRP Practices

CP1 Establishment of Permanent Introduced Grasses and Legumes

A Purpose

***--**This practice is to establish new or maintain existing vegetative cover of introduced grasses and legumes on eligible cropland that will enhance environmental benefits.

B Program Policy

Apply this practice to establish or maintain existing permanent introduced grasses and**--***
legumes on eligible cropland.

C Eligibility

To be eligible for C/S, this practice shall:

- improve environmental benefits to less than the soil loss tolerance
- prevent degradation of environmental benefits from recurring
- be maintained for the life of CRP-1
- be included in the approved conservation plan.

--Note:** C/S is authorized as a component of CP1 development of a permanent water source for wildlife.**--

CP1 Establishment of Permanent Introduced Grasses and Legumes (Continued)

D C/S Policy

The following shows C/S policies for this practice.

IF the component is...	AND the justification is...	THEN C/S is...
minerals	substantiated as needed by COC	authorized using technical practice *--codes 314, 315, 327, 338, 340, 342, 394, 512, 550, 574, 614,--* and 645.
eligible seed		
seedbed preparation		
Seeding		
Herbicides	specified as necessary in the approved conservation plan	
Insecticides		
permanent water source for wildlife		
temporary cover	• required in the practice specifications • needed until required seeds or plant stock is available • needed because normal planting period for the species has passed • that a soil condition, such as chemical residue, will not allow establishment of cover immediately	
Herbicides	to maintain vegetative cover	not authorized.
Insecticides		
clearing rocks or other obstructions from the area to be seeded		
Fencing		
Minerals	to enhance production	

Note: C/S does not apply for existing cover with no enhancements.

CP1 Establishment of Permanent Introduced Grasses and Legumes (Continued)

E Requirements

The following are requirements for this practice.

- The seeded area shall not be harvested or grazed by domestic livestock for the life of CRP-1.

  Exceptions: Managed haying and grazing or emergency haying/grazing if authorized and included in the conservation plan.

- Limit C/S to the minimum minerals and seed necessary to establish an adequate cover to improve environmental benefits.

- Chemicals used in performing the practice **must** be:

  - Federally, State, and locally registered

  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding land.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

F Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 426 for exceptions.

G Environmental Concerns

Consider wildlife and other environmental concerns when establishing the protective measure.

CP1 Establishment of Permanent Introduced Grasses and Legumes (Continued)

H Practice Maintenance

The practice shall be maintained without additional C/S for the life of CRP-1.

C/S shall be refunded if either of the following applies:

- the producer destroys the practice during the life of CRP-1
- the cover fails to improve the environmental benefits during the life of CRP-1, unless the failure is caused by circumstances beyond the producer's control.

I Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

J Program Development

Follow this subparagraph to develop the county program.

- County programs shall provide the requirements that are conditions for C/S.
- STC may establish these requirements.

K Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP.

CP2 Establishment of Permanent Native Grasses

A Purpose

***--**This practice is to establish new or maintain existing vegetative cover of native grasses on eligible cropland that will enhance environmental benefits.

B Program Policy

Apply this practice to establish or maintain existing permanent native grass species on eligible**--***
cropland.

C Eligibility

To be eligible for C/S, this practice shall:

- improve environmental benefits to less than the soil loss tolerance
- prevent degradation of environmental benefits from recurring
- be maintained for the life of CRP-1
- be included in the approved conservation plan.

--Note:** C/S is authorized as a component of CP2 development of a permanent water source for wildlife.**--

CP2 Establishment of Permanent Native Grasses (Continued)

D C/S Policy

The following shows C/S policies for this practice.

IF the component is...	AND the justification is...	THEN C/S is...
minerals	substantiated as needed by COC	authorized using technical practice *--codes 314, 315, 327, 338, 340, 342, 394, 512, 550, 574,--* 614, 644, and 645.
eligible seed		
seedbed preparation		
seeding, including approved shrubs	substantiated as needed by COC and listed as approved species in the practice specifications	
herbicides	specified as necessary in the approved conservation plan	
insecticides		
permanent water source for wildlife		
temporary cover	• required in the practice specifications • needed until required seeds or plant stock is available • needed because normal planting period for the species has passed • that a soil condition, such as chemical residue, will not allow establishment of cover immediately	
herbicides	to maintain vegetative cover	not authorized.
insecticides		
clearing rocks or other obstructions from the area to be seeded		
fencing		
minerals	to enhance production	

Note: C/S does not apply for existing cover with no enhancements.

CP2 Establishment of Permanent Native Grasses (Continued)

E Requirements

The following are requirements for this practice.

- The seeded area shall not be harvested or grazed by domestic livestock for the life of CRP-1.

  Exceptions: Managed haying and grazing or emergency haying and grazing as authorized.

- Limit C/S to the minimum minerals and seed necessary to establish an adequate cover to improve environmental benefits.

- Chemicals used in performing the practice **must** be:

  - Federally, State, and locally registered

  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding land.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

F Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 426 for exceptions.

G Environmental Concerns

Consider wildlife and other environmental concerns when establishing the protective measure.

CP2 Establishment of Permanent Native Grasses (Continued)

H Practice Maintenance

The practice shall be maintained without additional C/S for the life of CRP-1. C/S shall be refunded if either of the following applies:

- producer destroys the cover during its lifespan
- cover fails to provide enhancement of environmental benefits during the life of CRP-1, unless the failure is caused by circumstances beyond the producer's control.

I Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

J Program Development

County practice shall include the practice lifespan. County programs shall also provide details of any requirements, such as seedbed preparation, seeding dates, eligible seed, etc., that are conditions for C/S for the practice. STC may establish these requirements.

K Technical Responsibility

NRCS or TSP shall have technical responsibility for this practice.

CP3 Tree Planting

A Purpose

***--**This practice is to establish new or maintain existing stand of trees in a timber planting that will enhance environmental benefits.

B Program Policy

Apply this practice to eligible cropland suitable for growing new or maintaining existing trees**--***
that will provide multipurpose forest benefits.

C Eligibility

To be eligible for C/S, this practice shall:

- improve environmental benefits to less than the soil loss tolerance
- prevent degradation of environmental benefits from recurring
- be maintained for the life of CRP-1
- be included in the approved tree planting plan.

C/S is authorized to plant approved native grass and/or shrub plantings best suited for wildlife in the area within the 10 to 20 percent openings. Open areas **must** be planted to a 50-point cover of approved native grasses and/or shrubs best suited for wildlife in the area.

C/S is not authorized for natural regeneration of native grass vegetation within the 10 to 20 percent open areas.

D C/S Policy

The following shows C/S policies for this practice.

Important: C/S is not authorized for natural regeneration of native grass vegetation within the 10 to 20 percent open areas.

IF the component is...	AND the justification is...	THEN C/S is...
tree seedlings, seedbed preparation, and seeding/ planting	to establish approved tree species and improve environmental benefits to less than the soil loss tolerance	authorized.

--Note:** C/S does not apply for existing cover with no enhancements.**--

CP3 Tree Planting (Continued)

D C/S Policy (Continued)

IF the component is...	**AND the justification is...**	**THEN C/S is...**
temporary cover	• required in the practice specifications • needed until approved plant stock is available • needed because the normal planting period for the approved species has passed • to establish a cover when a soil condition, such as chemical residue, will not immediately allow establishment of permanent cover	authorized using technical practice *****--codes 314, 315, 327, 338, 340, 394, 550, 612,--***** 644, and 645. **Note:** Technical practice codes 327, 644, and 645 are for open areas **only**.
seeding firebreaks, fuelbreaks, or firelanes	to establish and maintain the cover according to State requirements	
minerals, nutrients, seed, shrub seedlings, seedbed preparation, and seeding	substantiated as needed by COC to establish approved native grasses and/or shrubs best suited for wildlife in the area in the 15 to 20 percent open areas of the tree planting. **Important:** Open areas **must** be planted to a 50-point cover of approved native grass and/or shrub plantings best suited for wildlife in the area. Tree plantings within the open areas are not authorized. **Note:** The requirements for this practice, including eligible seed mixtures, nutrients, and minerals, **must** be specified in the practice specification, as designated by the designated technician.	
herbicides and insecticides	specified as necessary to establish the approved cover and included in the tree planting plan and conservation plan **Note:** This does not include herbicides or pesticides used as part of the maintenance of the practice.	

CP3 Tree Planting (Continued)

D C/S Policy (Continued)

IF the component is...	AND the justification is...	THEN C/S is...
tree thinning		authorized using technical practice code 666.
fencing		not authorized.
roads		
clearing rocks or other obstructions from the area to be seeded		
minerals, nutrients, herbicides, and insecticides	to maintain vegetative cover, including trees, or enhance production	
clean tilling	for firebreaks, fuelbreaks, or firelanes	
to establish a tree species	for ornamental purposes and Christmas tree production	

E Requirements

The following are requirements for this practice.

- Plantings **must** be protected from destructive fire and from grazing by domestic livestock for the life of CRP-1.
- Chemicals used in performing the practice **must** be:
  - Federally, State, and locally registered
  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.
- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

F Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 426 for exceptions.

CP3 Tree Planting (Continued)

G Environmental Concerns

Consider preserving and improving the environment and wildlife concerns when making determinations about types of plantings, spacing, and other practice specifications.

H Practice Maintenance

The practice shall be maintained without additional C/S for the life of CRP-1. C/S shall be refunded if either of the following applies:

- the producer destroys the cover during the life of CRP-1
- the cover fails to adequately improve environmental benefits during the life of CRP-1, unless the failure is caused by circumstances beyond the producer's control.

I Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

J Program Development

Follow this subparagraph to develop the county program.

- County practice shall identify the eligible species and provide any requirements, such as spacing, minimum plantings per acre, site preparation, or cultivation, that are conditions for C/S.
- Approved planting methods may be included or incorporated by reference to published technical standards.

K Technical Responsibility

Technical responsibility for this practice shall be assigned to FS. If an FS representative is not available, this responsibility may be redelegated to NRCS or TSP.

National CRP Practices (Continued)

CP3A Hardwood Tree Planting

A Purpose

***--**This practice is to establish and maintain a new stand or an existing stand of predominantly hardwood trees in a timber planting that will enhance environmental benefits.

Note: For CRP purposes, Longleaf Pine and Atlantic White Cedar shall be treated as hardwood trees, if planted at rates appropriate for the site index.

B Program Policy

Apply this practice to eligible cropland suitable for growing new or maintaining existing**--***
hardwood trees that will provide multipurpose forest benefits.

Predominant hardwood may include softwood trees:

- not to exceed 50 percent of the total number of trees planted
- **only** to provide wildlife habitat diversity to the area
- where used as nurse trees for no economic use.

Note: If more than 50 percent of the trees planted are softwoods, the participant shall be limited to a 10-year contract.

C Eligibility

To be eligible for C/S, this practice shall:

- improve environmental benefits to less than the soil loss tolerance
- prevent degradation of environmental benefits from recurring
- be maintained for the life of CRP-1
- be included in the approved tree planting plan.

*** * ***

CP3A Hardwood Tree Planting (Continued)

D C/S Policy

The following shows C/S policies for this practice.

IF the component is...	AND the purpose is...	THEN C/S is...
to establish suitable hardwood tree species	to improve environmental benefits to an acceptable level	authorized using technical practice ***--**codes 314, 315, 327, 338, 340, 394, 550, 612, 644,**--*** and 645. **Note:** Technical practice codes 327, 644, and 645 are for open areas **only**.
temporary cover	• required in the practice specifications, including softwood trees, to ensure survivability of hardwoods • needed until required plant stock is available • needed because the normal planting period for the species has passed • to establish a cover where a soil condition, such as chemical residue, will not immediately allow establishment of permanent cover	
seeding firebreaks, fuelbreaks, or firelanes	to establish and maintain the cover according to State requirements	
herbicides	specified as necessary in the approved tree planting plan to establish the cover	
insecticides		
tree thinning		authorized using technical practice 666
tree shelters, netting, plastic tubes, or other animal control damage devices	approved by STC for the area and substantiated as needed by designated technician and COC to prevent damage from wildlife browsing **Note:** STC **must** designate areas where using these measures is warranted and cost-effective to protect seedlings. See paragraphs 31 and 491.	authorized not to exceed an average cost, as determined by STC.

Note: C/S does not apply for existing cover with no enhancements.

National CRP Practices (Continued)

CP3A Hardwood Tree Planting (Continued)

D C/S Policy (Continued)

IF the component is...	AND the purpose is...	THEN C/S is...
clean tilling	for firebreaks, fuelbreaks, or firelanes	not authorized.
fencing		
roads		
to establish a hardwood tree species	for ornamental purposes for Christmas tree production	
herbicides	to maintain the vegetative cover, including trees	
insecticides		
temporary cover	softwood trees that serve as trainers to produce high-value hardwoods **Note:** Where silviculturally appropriate, as determined by the service forester, softwoods may be planted as trainers, not to exceed 50 percent of the number of trees planted to optimize hardwood quality if no commercial use is made of the softwoods.	

CP3A Hardwood Tree Planting (Continued)

E Requirements

The following are requirements for this practice.

- Approval **must** be obtained from the State Forester certifying that planting up to 50 percent softwoods is an appropriate silvicultural practice for the State.

- Planting in excess of 50 percent soft woods **must** receive prior approval from the FS and FSA National Office.

- Planting of softwoods may be for **only** nurse trees or as wildlife habitat in a pattern appropriate for that purpose.

- Plantings **must** be protected from destructive fire and from grazing by domestic livestock for the life of CRP-1.

- Chemicals used in performing the practice **must** be:

  - Federally, State, and locally registered

  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

F Planting Timespan

Planting of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 426 for exceptions.

CRP participants may be allowed to plant hardwood trees over 3 years if:

- 10.0 acres or more are scheduled to be established
- at least one-third of the trees are planted in each year
- hardwood tree planting is included in the tree planting plan.

G Environmental Concerns

Consider preserving and improving the environment and wildlife concerns when making determinations about types of plantings, spacing, and other practice specifications.

CP3A Hardwood Tree Planting (Continued)

H Practice Maintenance

This practice shall be maintained without additional C/S for the life of CRP-1 as designated by participant.

C/S shall be refunded if either of the following applies:

- the producer destroys the cover during the life of CRP-1
- the cover fails to adequately improve environmental benefits during the life of CRP-1, unless the failure is caused by circumstances beyond the producer's control.

I Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

J Program Development

Follow this subparagraph to develop the county program.

- County practice shall:
  - identify the eligible species
  - provide requirements, such as spacing, minimum plantings per acre, including softwoods for cover (to be a minimum amount necessary), site preparation, or cultivation, that are conditions for C/S.
- Approved planting methods may be included or incorporated by reference to published technical standards.

K Technical Responsibility

Technical responsibility for this practice shall be assigned to FS. If an FS representative is not available, this responsibility may be redelegated to NRCS or TSP.

CP4B Permanent Wildlife Habitat (Corridors), Noneasement

A Purpose

This practice is to do both of the following:

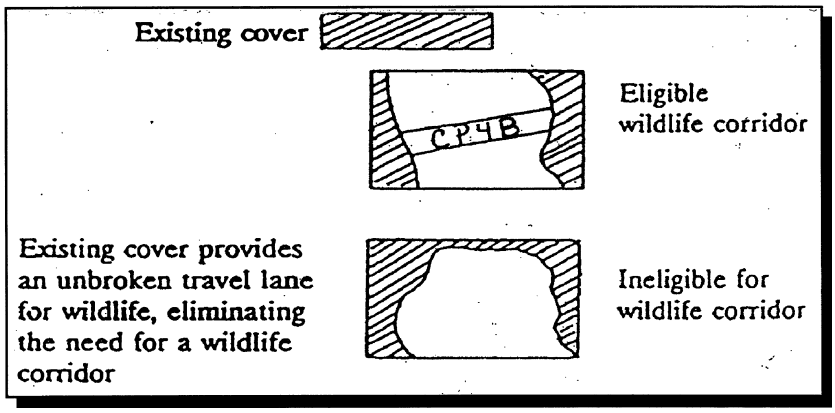
- establish a permanent wildlife corridor between 2 existing wildlife habitat areas that are not connected by a suitable corridor for environmental benefits
- enhance the wildlife in the designated or surrounding area.

B Program Policy

Apply this practice to eligible cropland, 66 to 200 feet in width, that is suitably located and adapted to the establishment of permanent wildlife habitat.

A wildlife conservation plan **must** be developed for acreage under CRP-1 devoted to CP4B.

The following are examples of eligible and ineligible wildlife corridors.



C Eligibility

To be eligible for C/S, this practice shall:

- improve environmental benefits to less than the soil loss tolerance
- prevent degradation of environmental benefits from recurring
- be maintained for the CRP-1 period
- be included in the approved conservation plan
- include woody vegetation as determined appropriate by STC in consultation with the State Technical Committee.

CP4B Permanent Wildlife Habitat (Corridors), Noneasement (Continued)

D C/S Policies

The following shows C/S policies for this practice.

IF the component is...	AND the justification is...	THEN C/S is...
minerals	substantiated as needed by COC	authorized using technical practice *****--codes 314, 315, 327, 340, 342, 394, 612,--***** 614, 644, and 645.
eligible seed		
seedbed preparation		
approved shrubs and trees	substantiated as needed by COC and listed as approved species in the practice specifications	
seeding/planting	substantiated as needed by COC	
herbicides	specified as necessary in the approved conservation plan	
insecticides		
temporary cover	• required in the practice specifications • needed until required seeds or plant stock is available • needed because normal planting period for the species has passed • that a soil condition, such as chemical residue, will not allow establishment of cover immediately	
herbicides	to maintain vegetative cover	not authorized.
insecticides		
clearing rocks or other obstructions from the area to be seeded		
roads		
fencing		
minerals	to enhance production	

CP4B Permanent Wildlife Habitat (Corridors), Noneasement (Continued)

E Requirements

The following are requirements for this practice.

- Limit C/S to the minimum minerals and seed necessary to establish an adequate cover for permanent wildlife habitat.

- Plantings **must** be protected from destructive fire and shall not be harvested or grazed by domestic livestock for the life of CRP-1.

  Exceptions: Managed haying and grazing or emergency haying/grazing if authorized and included in the conservation plan.

- Chemicals used in performing CP4B **must** be:

  - Federally, State, and locally registered

  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- Noxious weeds and other undesirable plants, insects, and pests shall be controlled.

- A wildlife conservation plan **must** be developed for acreage under CRP-1 devoted to CP4B.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

F Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 426 for exceptions.

CP4B Permanent Wildlife Habitat (Corridors), Noneasement (Continued)

G Environmental Concerns

Consider preserving and improving the environment and wildlife concerns when making determinations about types of plantings, spacing, and other practice specifications.

H Practice Maintenance

This practice shall be maintained without additional C/S for the CRP-1 period.

C/S shall be refunded if:

- producer destroys the cover during the CRP-1 period
- cover fails to provide enhancement of environmental benefits during the practice lifespan, unless caused by circumstances beyond the producer's control.

I Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

J Program Development

County programs shall provide for any specifications and requirements that are conditions for C/S. Technical specifications may be incorporated by reference.

K Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP.

CP4D Permanent Wildlife Habitat, Noneasement

A Purpose

This practice is to establish new or maintain existing a permanent wildlife habitat cover to enhance environmental benefits for the wildlife habitat of the designated or surrounding areas.

B Program Policy

Apply this practice to eligible cropland that is suitably located and adapted to the establishment of new or maintaining existing permanent wildlife habitat.

A wildlife conservation plan **must** be developed for acreage under CRP-1 devoted to CP4D.

C Eligibility

To be eligible for C/S, this practice shall:

- improve environmental benefits to less than the soil loss tolerance
- prevent degradation of environmental benefits from recurring
- be maintained for the CRP-1 period
- be included in the approved conservation plan
- include woody vegetation as determined appropriate by STC in consultation with the State Technical Committee.

--Note:** C/S is authorized as a component of CP4D development of a permanent water source for wildlife.**--

CP4D Permanent Wildlife Habitat, Noneasement (Continued)

D C/S Policy

The following shows C/S policies for this practice.

IF the component is...	AND the justification is...	THEN C/S is...
minerals	substantiated as needed by COC	authorized using technical practice ***--**codes 314, 315, 327, 340, 342, 394, 612,**--*** 614, 644, and 645.
eligible seed		
seedbed preparation		
seeding, including approved shrubs, and trees	substantiated as needed by COC and listed as approved species in the practice specifications	
seeding/planting	substantiated as needed by COC	
herbicides	specified as necessary in the approved conservation plan	
insecticides		
permanent water source for wildlife		
temporary cover	• required in the practice specifications • needed until required seeds or plant stock is available • needed because normal planting period for the species has passed • that a soil condition, such as chemical residue, will not allow establishment of cover immediately	
herbicides	to maintain vegetative cover	not authorized.
insecticides		
clearing rocks or other obstructions from the area to be seeded		
roads		
fencing		
minerals	to enhance production	

Note: C/S does not apply for existing cover with no enhancements.

CP4D Permanent Wildlife Habitat, Noneasement (Continued)

E Requirements

The following are requirements for this practice.

- Limit C/S to the minimum minerals and seeds necessary to establish an adequate cover for permanent wildlife habitat.

- Plantings **must** be protected from destructive fire and shall not be harvested or grazed by domestic livestock for the life of CRP-1.

  Exceptions: Managed haying and grazing or emergency haying/grazing if authorized and included in the conservation plan.

- Chemicals used in performing CP4D **must** be:

  - Federally, State, and locally registered

  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding land.

- A wildlife conservation plan **must** be developed for acreage under CRP-1 devoted to CP4D.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

F Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 426 for exceptions.

G Environmental Concerns

Consider preserving and improving the environment and wildlife concerns when making determinations about types of plantings, spacing, and other practice specifications.

National CRP Practices (Continued)

CP4D Permanent Wildlife Habitat, Noneasement (Continued)

H Practice Maintenance

The practice shall be maintained without additional C/S for the CRP-1 period. C/S shall be refunded if:

- producer destroys the cover during the CRP-1 period
- cover fails to provide enhancement of environmental benefits during the practice lifespan, unless caused by circumstances beyond the producer's control.

I Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

J Program Development

County programs shall provide for any specifications and requirements that are conditions for C/S. Technical specifications may be incorporated by reference.

K Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP.

CP5A Field Windbreak Establishment, Noneasement

A Purpose

This practice is to establish windbreaks to improve the environmental benefits on a farm or ranch to:

- reduce cropland erosion below soil loss tolerance
- enhance the wildlife habitat on the designated area.

B Program Policy

Apply this practice to eligible cropland needing protection against serious wind erosion and to enhance the wildlife habitat on the designated area.

C Size Requirement

Field windbreaks shall be installed to the design standard in FOTG, established to reduce cropland erosion regardless of the purpose of the field windbreak. The maximum width of a field windbreak shall not exceed the design standard established to reduce cropland erosion.

D Eligibility

To be eligible for C/S, this cover practice shall:

- improve environmental benefits to less than the soil loss tolerance
- prevent degradation of environmental benefits from recurring after establishment
- be maintained for the CRP-1 period
- be included in the approved conservation plan.

CP5A Field Windbreak Establishment, Noneasement (Continued)

E C/S Policy

The following shows C/S policies for this practice.

IF the component is...	**THEN C/S is...**
trees or shrubs planted as field windbreaks that will improve the cropland wind erosion and environmental benefits on a farm or ranch	authorized using technical practice *****--codes 314, 315, 327, 340, 380, 441, 484, 550, 612,--***** and 645.
temporary cover and the justification is: • required in the practice specifications • needed until required seed or plant stock is available • needed because the normal planting period for the species has passed • that a soil condition, such as chemical residue, will not allow establishment of cover immediately	
plastic mulch or supplemental drip irrigation, for arid areas	
tree shelters, netting, plastic tubes, or other animal control damage devices, and the purpose is approved by STC for the area and substantiated as needed by designated technician and COC to prevent damage from wildlife browsing **Note:** STC **must** designate areas where using these measures is warranted and cost-effective to protect seedlings. See paragraphs 31 and 491.	authorized not to exceed an average cost, as determined by STC.
planting orchard trees	not authorized.
ornamental planting	
Christmas tree production	
Fences	

CP5A Field Windbreak Establishment, Noneasement (Continued)

F Requirements

The following are requirements for this practice.

- When supplemental drip irrigation or plastic mulch is applied and the average annual precipitation for the area is 25 inches or less.

- Planting **must** be protected from destructive fire and from grazing by domestic livestock for the life of CRP-1.

- Chemicals used in performing CP5A **must** be:

  - Federally, State, and locally registered

  - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

G Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 426 for exceptions.

CP5A Field Windbreak Establishment, Noneasement (Continued)

H Environmental Concerns

Consideration of wildlife habitat, water quality and quantity, and other environmental concerns are to be evaluated in the planning and establishment of the protective measure.

I Practice Maintenance

The practice shall be maintained for the CRP-1 period. C/S shall be refunded if:

- producer destroys the cover during the CRP-1 period
- cover fails to improve environmental benefits during the practice lifespan unless the failure is caused by circumstances beyond the producer's control.

J Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

K Program Development

Follow this subparagraph to develop State/county program.

- Consider wildlife and environmental protection when designing this practice.
- State/county practice shall identify the eligible species and provide any requirements, such as spacing, minimum planting per acre, site preparation, etc., that are conditions for C/S. Technical specifications may be incorporated by reference.

L Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP.

CP8A Grass Waterways, Noneasement

A Purpose

This practice is to:

- convey runoff from terraces, diversions, or other water concentrations without causing erosion or flooding
- improve water quality.

B Program Policy

Apply this practice to establish grass waterways on eligible cropland.

Exception: Outlet structures may be installed on ineligible land provided:

- the practice can only function by including the ineligible land that is adjacent to the location of the practice
- no eligible land is available
- the ineligible land is not enrolled
- the entire practice, eligible and ineligible land, must be included in the conservation plan.

Cost share is authorized for the outlet structure.

C Size Requirements

Grass waterways shall always be installed to meet the minimum criteria to convey water off a field. A grass waterway may be constructed to a width up to 2 times the minimum design standard if requested by the producer to meet the producer's objectives, not to exceed a width of 100 feet.

Note: A grass waterway shall not exceed a maximum width of 100 feet.

CP8A Grass Waterways, Noneasement (Continued)

D Eligibility

To be eligible for C/S, this practice shall:

- be required by the approved conservation plan
- improve environmental benefits to less than the soil loss tolerance
- prevent degradation of environmental benefits from recurring
- be maintained for the CRP-1 period.

E C/S Policy

The following shows C/S policies for this practice.

IF the component is...	THEN C/S is...
site preparation	authorized using technical practice codes 340, 410, 412, 468, 587, 606, and 620.
eligible seed and seeding	
earth moving	
herbicides	
insecticides	
grading, shaping, and filling	
temporary cover until permanent vegetative cover is established	
subsurface drains where necessary for proper functioning of the waterway	
outlet structure as a component of CP8A	
subsurface drains as the sole component of the practice	not authorized.
subsurface drains that serve as mains to laterals elsewhere in field	
fencing	

F Requirements

The following are requirements for this practice.

- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding land.

- The seeded acreage shall not be harvested or grazed by domestic livestock for the life of CRP-1 unless grazing is incidental to the normal gleaning of the crop residue in the field according to subparagraph 720 A.

- ***--**The practice shall have periodic management activities performed, including mowing, according to the conservation plan and the NRCS technical standard, during the life of**--***
  CRP-1, as determined by COC.

National CRP Practices (Continued)

CP8A Grass Waterways, Noneasement (Continued)

G Environmental Concerns

Consider wildlife and other environmental concerns when establishing the protective measure.

H Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 426 for exceptions.

I Practice Maintenance

The practice shall be maintained for the CRP-1 period. C/S shall be refunded if:

- producer destroys the practice during the CRP-1 period
- producer does not maintain the practice during the practice lifespan.

J Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

K Program Development

County programs shall provide for any specifications and requirements that are conditions for C/S. Technical specifications may be incorporated by reference.

L Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP.

CP9 Shallow Water Areas for Wildlife

A Purpose

This practice is to develop or restore shallow water areas to an average depth of 6 to 18 inches for wildlife. The shallow water area **must** provide a source of water for wildlife for the majority of the year.

Exception: For areas west of the 100th meridian that receive less than 25 inches of annual precipitation, the shallow water area **must** provide a source of water for wildlife for a minimum of 4 months of the year.

Note: This is not a pond development or wetland restoration practice. However, this practice may be constructed on suitable hydric and nonhydric soils.

B Program Policy

Apply this practice to eligible cropland that is suitably located and adapted to the development or restoration of a shallow water area for wildlife that will provide a source of water for the majority of the year.

Exception: For areas west of the 100th meridian that receive less than 25 inches of annual precipitation, the shallow water area **must** provide a source of water for wildlife for a minimum of 4 months of the year.

The practice **must** include an adequate buffer area of perennial vegetation to protect the water quality and provide wildlife habitat. The soil types, slope, and conservation practices applied on the field shall determine the width of the buffer. However, the buffer width shall not:

- be less than 20 feet
- exceed an average maximum width of 120 feet.

CP9 Shallow Water Areas for Wildlife (Continued)

B Program Policy (Continued)

The practice, including the buffer area, shall not exceed 10 acres per tract. The total acres enrolled in CRP devoted to CP9 shall not exceed 10 acres per tract. Multiple CRP-1's to enroll land to be devoted to CP9 on the same tract are **not** authorized. All acres to be devoted to CP9 **must** be included on one CRP-1 per tract.

Example 1: Producer offers to enroll 3 separate shallow water areas on the same tract. Each shallow water area will be located in a separate field on the tract. One shallow water area, including the required buffer area, will be 4 acres in size and the other 2 shallow water areas will be 1 acre each, including the required buffer area. All acres to be devoted to CP9 **must** be included on one CRP-1 for the tract. Therefore, the producer would complete one CRP-2 and one CRP-1 for the 6 total acres to be devoted to CP9 on the tract. Only 1 conservation plan would be developed for the 6 acres of CP9. No additional acres on the tract can be enrolled to be devoted to CP9.

Example 2: Producer offers to enroll 2 adjoining 10 acre shallow water areas on the same tract. Shallow water areas shall not exceed 10 acres per tract. Accordingly, the offer would be rejected.

Example 3: On May 1, 2000, Jane Smith enrolls 6 acres to be devoted to CP9. On February 1, 2001, Jane Smith offers to enroll 4 acres to be devoted to CP9 on the same tract as the 6 acres enrolled in May 2000. Multiple CRP-1's to enroll land to be devoted to CP9 on the same tract are **not** authorized. Accordingly, the offer would be rejected.

CP21's are not eligible to be used in conjunction with CP9's because acreage devoted to CP9 **must** include an adequate buffer to protect the shallow water area.

CP9 Shallow Water Areas for Wildlife (Continued)

C Eligibility

To be eligible for C/S, this practice shall:

- be included in the approved conservation plan
- improve environmental benefits to an acceptable level
- prevent degradation of environmental benefits from recurring
- be maintained for the life of CRP-1
- be protected by an adequate buffer to protect the shallow water area
- provide a source of water for wildlife for the majority of the year.

Exception: For areas west of the 100th meridian that receive less than 25 inches of annual precipitation, the shallow water area **must** provide a source of water for wildlife for a minimum of 4 months of the year.

CP9 Shallow Water Areas for Wildlife (Continued)

D C/S Policy

The following shows C/S policies for this practice.

IF the component is...	AND the justification is...	THEN C/S is...
earthmoving	to construct dams, levees, dugouts, or dikes, if needed to develop or restore the shallow water areas	authorized using technical practice codes *--327, 342,--* 356, 587, 644, 646, and 657.
eligible and suitable plantings	for permanent habitat cover and serve as a buffer to protect shallow water area	
seedbed preparation	substantiated as needed by COC, not including clearing rocks or other obstructions from the area to be seeded	
structures, such as pipe, chutes, and outlets	to regulate flow necessary to install an effective practice, as determined by NRCS	
temporary cover	• required in the practice specifications • needed until the required seeds or plant stock is available • needed because the normal planting period for the permanent cover crop has passed • that a soil condition, such as chemical residue, will not allow establishment of the permanent cover immediately	
seeding firebreaks, fuelbreaks, or firelanes	to establish and maintain the cover according to State requirements	
herbicides, pesticides, and insecticides	specified as necessary in the approved conservation plan to establish the cover but not for use as part of the maintenance of the cover	
mineral or nutrient	substantiated as needed by COC	

CP9 Shallow Water Areas for Wildlife (Continued)

D C/S Policy (Continued)

IF the component is...	AND the justification is...	THEN C/S is...
temporary food plots and fencing		not authorized.
installing a structure	to benefit land not designated for CRP purposes	
fencing or roads		
clearing rocks or other obstructions from the area to be seeded		
clean tilling of firebreaks, fuelbreaks, or firelanes		
tree or grass species	establishment for ornamental purposes	
herbicides, pesticides, and insecticides	to maintain cover	
mineral or nutrient	to maintain cover or enhance production	

E Requirements

The following are requirements for this practice.

- The practice **must** provide a source of water for wildlife for the majority of the year.

  Exception: For areas west of the 100th meridian that receive less than 25 inches of annual precipitation, the shallow water area **must** provide a source of water for wildlife for a minimum of 4 months of the year.

- The water area shall be an average of 6 to 18 inches in depth.

CP9 Shallow Water Areas for Wildlife (Continued)

E Requirements (Continued)

- The seeded area shall not be harvested or grazed by domestic livestock for the life of CRP-1.
- The practice, including the buffer area, shall not exceed 10 acres per tract. The total acres enrolled in CRP devoted to CP9 shall not exceed 10 acres per tract.
- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding lands.
- Limit C/S to the minimum work and materials necessary to develop or restore the shallow water area for wildlife and establish an adequate cover to improve environmental benefits.
- The practice **must** be established and maintained according to the practice standards in FOTG.
- Planting or sowing of the approved cover shall be completed within 12 months if the effective date of CRP-1. See paragraph 426 for exceptions.
- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

F Environmental Concerns

Consider wildlife and other environmental concerns when establishing this practice.

G Practice Maintenance

The practice shall be maintained without additional C/S for the life of CRP-1 according to the practice standards in FOTG. C/S shall be refunded if:

- producer destroys the practice during the life of CRP-1
- producer fails to maintain the practice during the life of CRP-1
- the cover fails to provide adequate protection during the life of CRP-1, unless the failure is caused by circumstances beyond the producer's control.

CP9 Shallow Water Areas for Wildlife (Continued)

H Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

I Program Development

County programs shall provide for any specifications and requirements that are conditions for C/S. Technical specifications may be incorporated by reference.

J Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP.

*--CP10 Vegetative Cover - Grass - Already Established (CP10 Eligible to be Offered Before March 14, 2011, Only)

A Program Policy

Beginning March 14, 2011, CP10 is **no** longer available for new offers. For offers submitted before March 14, 2011, this practice code is used to identify land:**--***

- under CRP-1, if a grass cover approved for the applicable signup is already established

  Note: Contract management activity may be required as determined by COC, according to paragraph 428.

- not under CRP-1, with a grass cover approved for the applicable signup already established.

  Note: Contract management activity may be required as determined by COC, according to paragraph 428.

C/S is authorized for:

- performance of required management activity
- ***--**pollinator habitat as a component of CP10 before March 14, 2011
- wildlife water development as a component of CP10 before March 14, 2011, only.**--***

Technical practice codes 327, 338, 340, 342, 394, 512, 548, 595, 614, 644, 645, and 647 may be used for CP10.

*--CP11 Vegetative Cover - Trees - Already Established (CP11 Eligible to be Offered Before March 14, 2011, Only)

A Program Policy

Beginning March 14, 2011, CP11 is no longer available. For offers submitted before March 14, 2011, this practice code is used to identify land established to trees that is under--* CRP-1 at the time the acreage is offered and the producer elects to reoffer the acreage to be devoted to trees.

***--Notes:** Thinning and/or creating open areas in eligible existing tree stands are not a separate practice. The open areas shall be considered CP11.

Example: Jane Smith offered in signup 39 100 acres of existing trees under CRP-1. Mrs. Smith offered to thin the existing trees and create 15 acres of openings of native grass and shrub plantings best suited for wildlife in the area. All 100 acres should have been offered as CP11.--*

See subparagraph B for C/S policy for this practice.

Not applicable to signups 10 through 13 and continuous signup.

CP11 Vegetative Cover - Trees - Already Established (Continued)

B C/S Policy

The following shows C/S policies for planting of approved native grasses and/or shrubs within the 10 to 20 percent open areas created within the existing tree stand.

C/S is only authorized for the planting of approved cover within the open areas. C/S is **not** authorized for any component not listed in the following table.

Important: C/S is **not** authorized for natural regeneration of native grass vegetation within the 10 to 20 percent openings.

IF the component is...	AND the justification is...	THEN C/S is...
minerals, nutrients, herbicide, insecticide, seed, shrub seedlings, seedbed preparation, and seeding	substantiated as needed by COC to establish approved native grasses and/or shrubs best suited for wildlife in the area in the 10 to 20 percent open areas created within the existing tree stand. **Important:** Open areas **must** be planted to a 50-point cover of approved native grasses and/or shrub plantings best suited for wildlife in the area. Tree plantings within the open areas are **not** authorized. **Notes:** The requirements for this practice, including eligible seed mixtures, nutrients, and minerals, **must** be specified in the practice specification, as designated by the designated technician. This does not include herbicides or insecticides used as part of the maintenance of the cover.	authorized using technical practice ***--**codes 314, 315, 327, 338, 394, 550, 612, 644, 645,**--*** 647, and 666. **Note:** Technical practice codes 327, 644, 645, and 647 are authorized for open areas **only**.
tree thinning		authorized using technical practice code 666.

C Technical Responsibility

Technical responsibility for the practice shall be assigned to FS. If an FS representative is not available, this responsibility may be redelegated to NRCS or TSP.

CP12 Wildlife Food Plot

A Purpose

This practice is to establish annual or perennial wildlife food plots that will enhance:

- wildlife
- wildlife habitat.

B Program Policy

Apply this practice to CRP land that is suitably located and adapted to the establishment of annual or perennial wildlife food plots.

C Objectives

This practice shall:

- enhance wildlife, wildlife habitat, or both
- improve environmental benefits below the soil loss tolerance
- prevent degradation of environmental benefits from recurring
- be included in the approved conservation plan
- be carried out as specified in the approved conservation plan.

D C/S Policy

C/S is **not** authorized for this practice.

CP12 Wildlife Food Plot (Continued)

E Requirements

The following are requirements for this practice.

- Use the NRCS standards and specifications for wildlife upland or wetland habitat management for the desired wildlife species to:

  - establish suitable plant species for food plots
  - determine food plot location
  - determine total acres to be devoted to food plots.

- Individual food plots shall **not** exceed 5 acres in size and shall **not** be immediately adjacent.

- Food plots **must** be separated by a sufficient distance to maximize wildlife benefits and accessibility.

- This practice may be used in conjunction with the following practices only:

  - CP1
  - CP2
  - CP3
  - CP3A
  - CP4D
  - ***--**CP10 before March 14, 2011
  - CP11 before March 14, 2011**--***
  - CP25.

  Note: The practice used in conjunction with CP12 determines the length of CRP-1. CP12's **must** be the same length of the practice used in conjunction with CP12.

- Food plots may be at 1 location throughout the life of CRP-1 or may be relocated each year. If relocated, the previous food plot **must** be seeded to an approved permanent vegetative cover at the producer's expense.

- Minerals necessary to ensure establishment of a successful food plot shall be applied.

CP12 Wildlife Food Plot (Continued)

E Requirements (Continued)

- During installation, degradation of environmental benefits shall be kept on an acceptable level.

  Example: Using no-till seeding if appropriate.

- Food plots shall be planted in the areas of CRP acreage that:

  - minimize adversity to environmental benefits
  - maximize wildlife benefits and accessibility.

- Chemicals used in performing this practice **must** be:

  - Federally, State, and locally registered

  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

F CRP-1 Revisions

Existing CRP-1's may be revised to include planting wildlife food plots if:

- determined necessary and feasible by TSP
- included in the approved conservation plan.

Note: Adding a food plot to an existing CRP-1 does **not** extend the length of CRP-1.

G Program Development

The county practice shall identify the eligible species and provide any requirements, such as:

- spacing
- minimum planting per acres
- site preparation
- cultivation.

Approved planting methods may be included or incorporated by reference to published technical standards.

H Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP.

CP15A Establishment of Permanent Vegetative Cover (Contour Grass Strips), Noneasement

A Purpose

This practice is to establish strips of permanent vegetative cover generally following the contour on eligible cropland alternated with **wider cultivated strips** farmed on the contour that will reduce erosion and control runoff.

Note: This practice is **not** to develop or establish wildlife habitat.

Field border areas may be included in the contour buffer provided they are needed to drain water from the field as an integral part of the contour buffer system.

Important: NRCS or TSP **must** document, in writing, that the field border area is needed as an integral part of the contour buffer system to drain water from the field and for the contour buffer system to function properly.

Note: NRCS or TSP will determine the documentation needed to support the need for field borders consistent with FOTG standards. The documentation **must** be in the case file.

B Program Policy

Apply this practice on eligible cropland to establish permanent vegetative cover for contour grass strips alternated with wider cultivated strips that are farmed on the contour. Contour grass strips that are not alternated with **wider cultivated strips** are not eligible for enrollment.

Contour grass strips shall be installed to the minimum design standard to reduce erosion and control runoff.

Important: Contour grass strips are not eligible to be installed on terraces. Contour grass strips may be used in conjunction with terraces as an overall conservation management system (contour grass strips installed between terraces) if needed to control erosion and runoff on eligible cropland.

CP15A Establishment of Permanent Vegetative Cover (Contour Grass Strips), Noneasement (Continued)

C Size Requirements

Minimum standards for the width of a contour buffer strip and the number of strips needed in a field will depend on:

- soil types
- percent slope and slope lengths
- conservation practices applied on the field.

The lower most contour buffer strip in a field may be up to 2 times the minimum width recommended for the practice. The minimum acceptable width for a contour buffer strip:

- designed for soil erosion control purposes is 15 feet
- seeded to grass or a grass/legume mixture is 15 feet
- seeded to legumes only is 30 feet.

Note: Legumes are unlikely to persist for the duration of CRP-1. Therefore, reseeding, at the producer's expense, may be necessary.

A contour buffer strip may be applied up to a maximum width of 30 feet, if needed to accomplish the purpose of the practice. When the minimum design specification exceeds 30 feet, the minimum design specification is the maximum average width that may be enrolled.

Note: The lower most contour buffer strip in a field may be a maximum of 60 feet wide.

The maximum width of field border areas that may be enrolled is 15 feet. Field border areas may be included in the contour buffer only if they are needed to drain water from the field as an integral part of the contour buffer system.

Contour buffer strips **must** be installed to meet the minimum standards to reduce erosion and control runoff.

CP15A Establishment of Permanent Vegetative Cover (Contour Grass Strips), Noneasement (Continued)

D Eligibility

To be eligible for C/S, this practice shall:

- improve environmental benefits to less than the soil loss tolerance
- prevent degradation of environmental benefits from recurring
- be maintained for the CRP-1 period
- be required by the approved conservation plan.

CP15A Establishment of Permanent Vegetative Cover (Contour Grass Strips), Noneasement (Continued)

E C/S Policy

The following shows C/S policies for this practice.

IF the component is...	AND the justification is...	THEN C/S is...
minerals	substantiated as needed by COC	authorized using technical practice *--codes 314, 315, 327, 332, and 340.--*
eligible seed		
seedbed preparation		
seeding		
herbicides	specified as necessary in the approved conservation plan	
insecticides		
temporary cover	• required in the practice specifications • needed until required seed or plant stock is available • needed because normal planting period for the species has passed • that a soil condition, such as chemical residue, will not allow establishment of cover immediately	
herbicides	to maintain vegetative cover	not authorized.
insecticides		
earthmoving	to establish the contour grass strips	
clearing rocks or other obstructions from the area to be seeded		
fencing		
minerals	to enhance production	

CP15A Establishment of Permanent Vegetative Cover (Contour Grass Strips), Noneasement (Continued)

F Requirements

The following are requirements for this practice.

- **Must** be for the purpose of erosion and runoff control.
- **Must** be alternated with **wider** cultivated strips that are farmed on the contour.
- Not eligible to be installed on terraces.
- Limit C/S to the minimum minerals and seed necessary to establish adequate cover to improve environmental benefits.
- Chemicals used in performing the practice **must** be:
  - Federally, State, and locally registered
  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.
- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding lands.
- The seeded acreage shall not be harvested or grazed by domestic livestock for the life of CRP-1 unless grazing is incidental to the normal gleaning of the crop residue in the field *****--according to subparagraph 720 A.--*****
- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

G Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 426 for exceptions.

CP15A Establishment of Permanent Vegetative Cover (Contour Grass Strips), Noneasement (Continued)

H Environmental Concerns

Consider wildlife concerns when making determinations about seed varieties and other practice specifications.

I Practice Maintenance

The practice shall be maintained without additional C/S for the CRP-1 period. C/S shall be refunded if:

- producer destroys the cover during the CRP-1 period
- cover fails to provide enhancement of environmental benefits during the practice lifespan unless caused by circumstances beyond the producer's control.

J Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

K Program Development

County practice shall include the practice lifespan. County programs shall also provide details of any requirements, such as seedbed preparation, seeding dates, eligible seed, etc., that are conditions for C/S for the practice. STC may establish these requirements.

L Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP.

CP15B Establishment of Permanent Vegetative Cover (Contour Grass Strips) on Terraces

A Purpose

This practice is to establish vegetative cover on terraces to enhance water quality and reduce soil erosion. This practice is only applicable on terraces that are no longer under practice lifespan to ensure that the long-term functions of the terrace are maintained.

Notes: This practice is **not** to develop or establish wildlife habitat. Wildlife concerns may be considered when making determinations about seed varieties.

Important: NRCS or TSP **must** document that CP15B is needed and feasible on AD-862 and CRP-2. This practice is only available on existing terraces that are no longer under the practice lifespan or other agreement to maintain the terrace practice.

NRCS or TSP shall determine the documentation needed to support the need for CP15B consistent with FOTG standards. The documentation **must** be in the case file.

Example: A terrace was installed under ACP in 1985. The practice lifespan was 10 years. The terrace is not in a vegetative cover and is functional. NRCS or TSP determines grass seeding is needed and feasible to enhance water quality and reduce soil erosion. This terrace is eligible to be enrolled in CRP as CP15B.

This practice is **not** eligible for PIP or CRP-SIP.

B Program Policy

Apply this practice on eligible cropland on which a terrace, which is not planted to a vegetative cover, is no longer under the practice lifespan, but seeding is needed and feasible consistent with the purposes of the practice. The area to be included is the actual terrace itself and an adequate buffer. See subparagraph C for size requirements of the buffer area.

Contour grass strips on terraces shall be installed to the minimum design standard to ensure long-term viability of the terraces to reduce erosion and enhance water quality.

CP15B Establishment of Permanent Vegetative Cover (Contour Grass Strips) on Terraces (Continued)

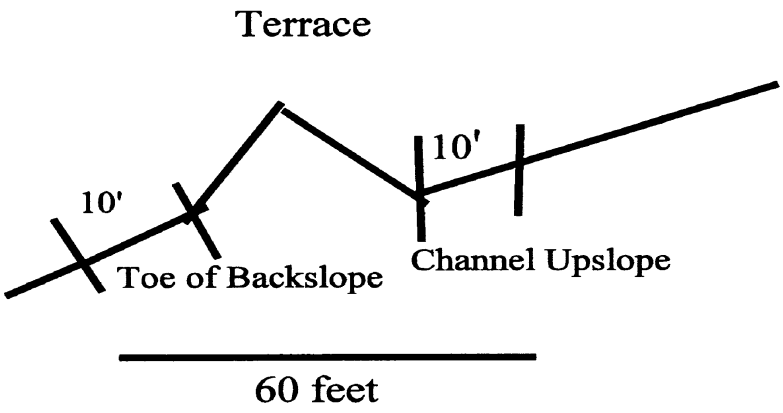
C Size Requirements

Minimum size standard for a contour buffer strip on terraces shall be the minimum size necessary to protect the terraces. It may require a buffer not to exceed 10 feet on the upslope and downslope portion of the terrace. The maximum width of CP15B **must** not exceed 60 feet, including the buffer areas.

The practice shall be designed to control soil erosion consistent with NRCS FOTG.

The following diagrams provide examples of the maximum width for CP15B.

Example 1 Grassed-Back Terrace

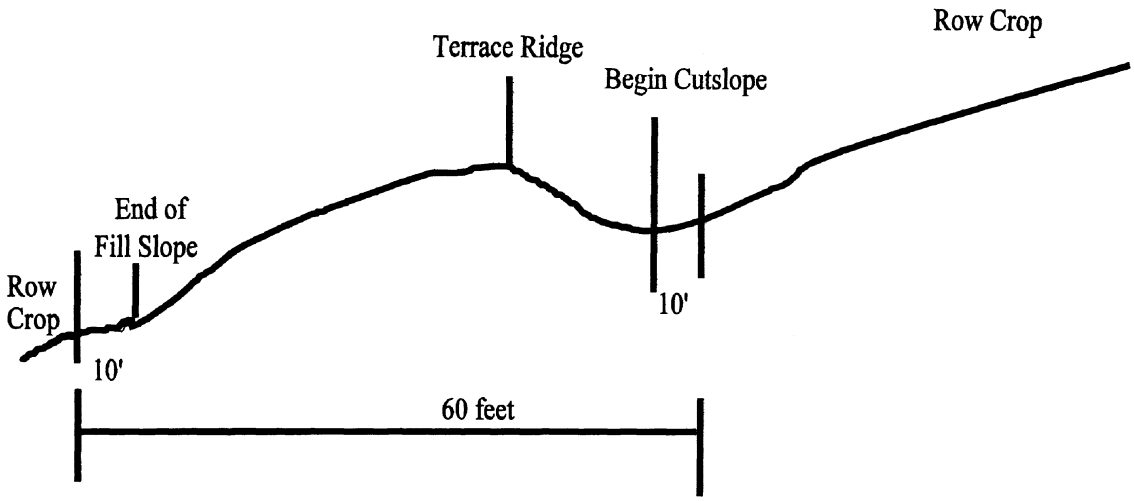


Note: The area of CP15B **must** not exceed 60 feet from the toe of the backslope side of the terrace to the channel upslope, including the 10-foot buffer area on either side of the terrace.

CP15B Establishment of Permanent Vegetative Cover (Contour Grass Strips) on Terraces (Continued)

C Size Requirements (Continued)

Example 2 Broad-Based Terraces



Note: The area of CP15B is measured from the beginning of the cutslope to the end of the fill slope. A 10-foot buffer may be included on either side of the terrace. In no case shall CP15B exceed 60 feet wide, including the 10-foot buffer area on either side of the terrace.

CP15B Establishment of Permanent Vegetative Cover (Contour Grass Strips) on Terraces (Continued)

D Eligibility

To be eligible for C/S, this practice shall:

- be on eligible cropland
- be installed on terraces that NRCS or TSP determines are properly functioning and are no longer protected by practice lifespan or other agreement to maintain the terrace practice

  Note: An adjacent buffer, not to exceed 10 feet on the upslope and downslope, may be installed provided NRCS or TSP determines it is needed and feasible.

- not be installed on terraces that are currently in a vegetative cover
- be applicable only where seeding is needed and feasible
- be maintained for the CRP-1 period
- be included in the approved conservation plan.

Examples: A producer would like to enroll into CRP an existing terrace that has been in grass cover for the past 5 years. The terrace would **not** be eligible.

A producer would like to enroll into CRP a terrace. The terrace, as determined by NRCS or TSP, is not functioning properly. The terrace would **not** be eligible unless it is repaired.

CP15B Establishment of Permanent Vegetative Cover (Contour Grass Strips) on Terraces (Continued)

E C/S Policy

The following shows C/S policies for this practice.

IF the component is...	AND the justification is...	THEN C/S is...
minerals	substantiated as needed by COC	authorized using technical practice *--codes 314, 315, 327, 332, and 340.--*
eligible seed		
seedbed preparation		
seeding		
herbicides	specified as necessary in the approved conservation plan	
insecticides		
temporary cover	• required in the practice specifications • needed until required seed or plant stock is available • needed because normal planting period for the species has passed • that a soil condition, such as chemical residue, will not allow establishment of cover immediately	
herbicides	to maintain vegetative cover	not authorized.
insecticides		
earthmoving	to establish the contour grass strips	
clearing rocks or other obstructions from the area to be seeded		
fencing		
minerals	to enhance production	

CP15B Establishment of Permanent Vegetative Cover (Contour Grass Strips) on Terraces (Continued)

F Requirements

The following are requirements for this practice.

- **Must** meet cropping history.
- **Must not** be under a practice lifespan or other agreement to maintain the terrace system, as determined by COC.
- Seeding the terrace **must** be needed and feasible to accomplish the purposes of the practice.
- **Must** be installed on a terrace that NRCS or TSP determines is properly functioning.
- **Must** only be for the actual terrace and a buffer not to exceed 10 feet on the upslope and downslope side of the structure.

  Note: CP15B **must not** exceed a maximum width of 60 feet, including the buffer areas.

- Limit C/S to the minimum minerals and seed necessary to establish adequate cover consistent with NRCS FOTG.
- Chemicals used in performing this practice **must** be:
  - Federally, State, and locally registered
  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.
- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding lands.
- The seeded acreage shall not be harvested or grazed by domestic livestock for the life of CRP-1 unless grazing is incidental to the normal gleaning of the crop residue in the field ***--**according to subparagraph 720 A.**--***
- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

CP15B Establishment of Permanent Vegetative Cover (Contour Grass Strips) on Terraces (Continued)

G Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 426 for exceptions.

H Environmental Concerns

Although the purpose of the practice is not to establish wildlife habitat, consider wildlife concerns when making determinations about seed varieties and other practice specifications.

I Practice Maintenance

The practice shall be maintained without additional C/S for the CRP-1 period. C/S shall be refunded if:

- producer destroys the cover during the CRP-1 period
- cover fails to provide enhancement of environmental benefits during the practice lifespan unless caused by circumstances beyond the producer's control.

J Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

K Program Development

County practice language shall include the practice lifespan. County program language shall also provide details of any requirements, such as seedbed preparation, seeding dates, eligible seed, etc., that are conditions for C/S for the practice. STC may establish these requirements.

L Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP.

CP16A Shelterbelt Establishment, Noneasement

A Purpose

This practice is to establish shelterbelts on a farm or ranch to:

- enhance the wildlife habitat on the designated area
- save energy
- protect farmsteads or livestock areas.

B Program Policy

Apply this practice to eligible cropland to protect farmsteads or livestock areas against serious wind and to save energy.

C Size Requirements

Shelterbelts shall be installed to design standards in FOTG, established to protect farmsteads or livestock areas regardless of the purpose of the shelterbelt. A shelterbelt may be applied up to a maximum width of up to 2 times the design standard for protecting farmsteads or livestock areas, if requested by the producer to accomplish the purpose of protecting farmsteads or livestock areas.

D Eligibility

To be eligible for C/S, this practice shall:

- improve environmental benefits to an acceptable level
- prevent degradation of environmental benefits from recurring after establishment
- be maintained for the CRP-1 period
- be included in the approved conservation plan.

CP16A Shelterbelt Establishment, Noneasement (Continued)

E C/S Policy

The following shows C/S policies for this practice.

IF the component is...	**THEN C/S is...**
trees or shrubs planted as shelterbelts that will improve the environmental benefits on a farm or ranch	authorized using technical *****--practice codes 314, 315, 327, 340, 380, 441, 484, 550, 612, and--***** 645.
temporary cover and the justification is: • required in the practice specifications • needed until required seed or plant stock is available • needed because normal planting period for the species has passed • that a soil condition, such as chemical residue, will not allow establishment of cover immediately	
plastic mulch or supplemental drip irrigation, for arid areas	
tree shelters, netting, plastic tubes, or other animal control damage devices, and the purpose is approved by STC for the area and substantiated as needed by designated technician and COC to prevent damage from wildlife browsing **Note:** STC **must** designate areas where using these measures is warranted and cost-effective to protect seedlings. See paragraphs 31 and 491.	authorized not to exceed an average cost, as determined by STC.
planting orchard trees	not authorized.
ornamental planting	
Christmas tree production	
fences	

CP16A Shelterbelt Establishment, Noneasement (Continued)

F Requirements

The following are requirements for this practice.

- When supplemental drip irrigation or plastic mulch is applied and the average precipitation for the area is 25 inches or less.

- Planting **must** be protected from destructive fire and from grazing by domestic livestock for the life of CRP-1.

- Chemicals used in performing this practice **must** be:

  - Federally, State, and locally registered

  - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

G Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 426 for exceptions.

CP16A Shelterbelt Establishment, Noneasement (Continued)

H Practice Maintenance

The practice shall be maintained for the CRP-1 period. C/S shall be refunded if:

- producer destroys the cover during the CRP-1 period
- cover fails to improve environmental benefits during the practice lifespan unless the failure is caused by circumstances beyond the producer's control.

I Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

J Program Development

The following should be considered when developing this practice.

- Consider wildlife and environmental protection when designing this practice.
- State/county practice shall identify the eligible species and provide any requirements, such as spacing, minimum planting per acre, site preparation, etc., that are conditions for C/S. Technical specifications may be incorporated by reference.

K Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP.

CP17A Living Snow Fences, Noneasement

A Purpose

This practice is to establish living snow fences on a farm or ranch to:

- manage snow
- provide living screen
- enhance the wildlife habitat on the designated area.

B Program Policy

Apply this practice to eligible cropland to protect against drifting snow on:

- lanes
- roads
- railroads
- public facilities.

C Size Requirements

Living snow fences shall be installed to the design standard in FOTG, established for snow management regardless of the purpose of the living snow fence. The maximum width, including the snow catch area, of a field windbreak shall not exceed the design standard for snow management.

D Eligibility

To be eligible for C/S, this practice shall:

- improve environmental benefits to below the soil loss tolerance
- prevent degradation of environmental benefits from recurring after establishment
- be maintained for the CRP-1 period
- be included in the approved conservation plan.

CP17A Living Snow Fences, Noneasement (Continued)

E C/S Policy

The following shows C/S policies for this practice.

IF the component is...	**THEN C/S is...**
trees or shrubs planted as living snow fences to improve the environmental benefits on a farm or ranch	authorized using technical *****--practice codes 314, 315, 327, 340, 380, 441, 484, 550, 612, and--***** 645.
temporary cover and the justification is: • required in the practice specifications • needed until required seed or plant stock is available • needed because normal planting period for the species has passed • that a soil condition, such as chemical residue, will not allow establishment of cover immediately	
plastic mulch or supplemental drip irrigation, for arid areas	
planting orchard trees	not authorized.
ornamental planting	
Christmas tree production	
fences	

CP17A Living Snow Fences, Noneasement (Continued)

F Requirements

The following are requirements for this practice.

- When supplemental drip irrigation or plastic mulch is applied and the average annual precipitation for the area is 25 inches or less.

- Planting **must** be protected from destructive fire and from grazing by domestic livestock for the life of CRP-1.

- Chemicals used in performing this practice **must** be:

  - Federally, State, and locally registered

  - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

G Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 426 for exceptions.

CP17A Living Snow Fences, Noneasement (Continued)

H Practice Maintenance

The practice shall be maintained for the CRP-1 period. C/S shall be refunded if:

- producer destroys the cover during the CRP-1 period
- cover fails to improve environmental benefits during the practice lifespan, unless the failure is caused by circumstances beyond the producer's control.

I Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

J Program Development

Follow this subparagraph to develop State/county program.

- Consider wildlife and environmental protection when designing this practice.
- State/county practice shall identify the eligible species and provide any requirements, such as spacing, minimum planting per acre, site preparation, etc., that are conditions for C/S. Technical specifications may be incorporated by reference.

K Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP.

CP18B Establishment of Permanent Vegetation to Reduce Salinity, Noneasement

A Purpose

This practice is to either establish permanent salt tolerant vegetative cover within saline seep areas or establish permanent vegetative cover in areas causing seeps, including trees or shrubs, on eligible cropland that will improve the environmental benefits of a farm or ranch.

The cover **must** address the resource problem with the minimum acreage needed to control the saline seep.

B Program Policy

Apply this practice to establish either of the following on eligible cropland:

- permanent salt tolerant vegetative cover
- permanent vegetative cover.

The use of this practice is only permitted if the technical recommendations are based on a sound technical basis that will address the resource problem. Only the minimum number of acres needed to control the saline seep formation may be enrolled.

Example: A technician recommends that a 40-acre field be enrolled in CRP to control a 1-acre saline seep. The technician is recommending enrollment of excessive acreage. The technician **must** focus the recharge area to only the portion of the field associated to the saline seep development.

C Eligibility

To be eligible for C/S, this practice shall:

- be required by the approved conservation plan
- improve environmental benefits to less than the soil loss tolerance
- be maintained for the CRP-1 period on areas causing seeps or the seep areas
- prevent degradation of environmental benefits from recurring after establishment.

CP18B Establishment of Permanent Vegetation to Reduce Salinity, Noneasement (Continued)

D C/S Policy

The following shows C/S policies for this practice.

IF the component is...	AND the justification is...	THEN C/S is...
minerals	substantiated as needed by COC	authorized using technical practice *--codes 314, 315, 327, 342, 512, 550, 610, and--* 645.
eligible seed		
seedbed preparation		
seeding		
herbicides	specified as necessary in the approved conservation plan	
insecticides		
temporary cover	• required in the practice specifications • needed until required seed or plant stock is available • needed because normal planting period for the species has passed • that a soil condition, such as chemical residue, will not allow establishment of cover immediately	
herbicides	to maintain vegetative cover	not authorized.
insecticides		
clearing rocks or other obstructions from the area to be seeded		
fencing		
earthmoving		
minerals	to enhance production	

CP18B Establishment of Permanent Vegetation to Reduce Salinity, Noneasement (Continued)

E Requirements

The following are requirements for this practice.

- The saline seep and recharge area **must** meet the definitions in Exhibit 2.

  Note: For re-enrolled acreage, NRCS or TSP has flexibility on the characteristics of the saline seep, including soil electrical conductivity, sodium absorption rate, pH, and water level. NRCS or TSP should evaluate the potential that the saline seep would occur without vegetative cover in the discharge and/or recharge area.

- TSP **must** use the best available data to define the recharge area to solve the resource problem with the minimum amount of acres.

- For seeps less than 5 acres, the recharge area cannot exceed a ratio of 10 acres of recharge to 1 acre of seep, which meets the definition in Exhibit 2.

- A map **must** be clearly marked with the saline seep, the exact acreage of the saline seep, and the recharge area.

- Acreage shall not exceed 50 acres, unless NRCS SRC or designee and at least 1 independent technical peer with extensive knowledge in saline seeps review the practice before approval. For States with no independent technical peer, SRC or designee shall serve that role.

- The seeded area shall not be harvested or grazed by domestic livestock for the life of CRP-1.

- Limit C/S to the minimum minerals and seed necessary to establish an adequate cover to improve environmental benefits.

- Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 426 for exceptions.

- Chemicals used in performing the practice **must** be:

  - Federally, State, and locally registered

  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid adverse impacts to surrounding lands.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

CP18B Establishment of Permanent Vegetation to Reduce Salinity, Noneasement (Continued)

F Environmental Concerns

Consider wildlife and other environmental concerns when establishing the protective measure.

G Practice Maintenance

The practice shall be maintained for the CRP-1 period.

C/S shall be refunded if either of the following applies:

- the producer destroys the practice during the CRP-1 period
- the cover fails to improve the environmental benefits during the practice lifespan, unless the failure is caused by circumstances beyond the producer's control.

H Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

I Program Development

Follow this subparagraph to develop the county program.

- County programs shall provide the requirements that are conditions for C/S.
- STC may establish these requirements.

J Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP.

CP18C Establishment of Permanent Salt Tolerant Vegetative Cover, Noneasement

A Purpose

This practice is to establish permanent salt tolerant vegetative cover on eligible cropland with existing high water tables that will improve the environmental benefits of a farm or ranch.

The cover **must** address the resource problem with the minimum acreage needed to control the saline seep.

B Program Policy

Apply this practice to establish permanent salt tolerant vegetative cover on eligible cropland.

The use of this practice is only permitted if the technical recommendations are based on a sound technical basis that will solve the resource problem. Only the minimum number of acres needed to control the saline seep formation may be enrolled.

Example: A technician recommends that a 40-acre field be enrolled in CRP to control a 1-acre saline seep. The technician is recommending enrollment of excessive acreage. The technician **must** focus the recharge area to only the portion of the field associated to the saline seep development.

C Eligibility

To be eligible for C/S, this practice shall:

- be required by the approved conservation plan
- improve environmental benefits to less than the soil loss tolerance
- be maintained for the CRP-1 period on areas with existing highwater tables
- prevent degradation of environmental benefits from recurring after establishment.

CP18C Establishment of Permanent Salt Tolerant Vegetative Cover, Noneasement (Continued)

D C/S Policy

The following shows C/S policies for this practice.

IF the component is...	AND the justification is...	THEN C/S is...
minerals	substantiated as needed by COC	authorized using technical practice ***--**codes 314, 315, 327, 342, 512, 550, 610, and 645.**--***
eligible seed		
seedbed preparation		
seeding		
herbicides	specified as necessary in the approved conservation plan	
insecticides		
temporary cover	• required in the practice specifications • needed until required seed or plant stock is available • needed because normal planting period for the species has passed • that a soil condition, such as chemical residue, will not allow establishment of cover immediately	
herbicides	to maintain vegetative cover	not authorized.
insecticides		
clearing rocks or other obstructions from the area to be seeded		
fencing		
earthmoving		
minerals	to enhance production	

CP18C Establishment of Permanent Salt Tolerant Vegetative Cover, Noneasement (Continued)

E Requirements

The following are requirements for this practice.

- The saline seep **must** meet the definition according to Exhibit 2.

  Note: For re-enrolled acreage, NRCS or TSP has flexibility on the characteristics of the saline seep, including soil electrical conductivity, sodium absorption rate, pH, and water level. NRCS or TSP should evaluate the potential that the saline seep would occur without vegetative cover in the discharge and/or recharge area.

- NRCS or TSP **must** use the best available data to define the recharge area to solve the resource problem with the minimum amount of acres.

- For seeps less than 5 acres, the recharge area cannot exceed a ratio of 10 acres of recharge to 1 acre of seep, which meets the definition in Exhibit 2.

- A map **must** be clearly marked with the saline seep, the exact acreage of the saline seep, and the recharge area.

- Acreage shall not exceed 50 acres, unless NRCS SRC or designee and at least 1 independent technical peer with extensive knowledge in saline seeps review the practice before approval. For States with no independent technical peer, SRC or designee shall serve that role.

- NRCS will issue guidance on technical assistance job approval authority for the practice.

- The seeded area shall not be harvested or grazed by domestic livestock for the life of CRP-1.

- Limit C/S to the minimum minerals and seed necessary to establish an adequate cover to improve environmental benefits.

- Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 426 for exceptions.

- Chemicals used in performing the practice **must** be:

  - Federally, State, and locally registered

  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid adverse impacts on surrounding lands.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

CP18C Establishment of Permanent Salt Tolerant Vegetative Cover, Noneasement (Continued)

F Environmental Concerns

Consider wildlife and other environmental concerns when establishing the protective measure.

G Practice Maintenance

The practice shall be maintained without additional C/S for the useful life of the practice.

C/S shall be refunded if either of the following applies:

- the producer destroys the practice during the CRP-1 period
- the cover fails to improve the environmental benefits during the practice lifespan, unless the failure is caused by circumstances beyond the producer's control.

H Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

I Program Development

Follow this subparagraph to develop the county program.

- County programs shall provide the requirements that are conditions for C/S.
- STC may establish these requirements.

J Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP.

CP21 Filter Strips

A Purpose

This practice is to remove nutrients, sediment, organic matter, pesticides, and other pollutants from surface runoff and subsurface flow by deposition, absorption, plant uptake, denitrification, and other processes, and thereby reduce pollution and protect surface water and subsurface water quality while enhancing the ecosystem of the water body.

B Program Policy

For cropland to be eligible to be enrolled in CRP to be devoted to CP21, both of the following **must** be met:

- COC determines both of the following:
  - all cropland eligibility requirements in subparagraph 181 A are met
  - the cropland offered is immediately adjacent and parallel to 1 of the following:
    - stream having perennial flow
    - seasonal stream

      Important: USGS maps shall **not** be solely used to determine seasonal streams. A seasonal stream is a stream that contains water for only part of the year but more than just during and/or after rainfall or snowmelt. Seasonal streams do **not** include:

      - wetlands of any type
      - land devoted to CP9
      - terrace channels
      - grass or sod waterways
      - gullies
      - narrow or wide wash
      - roadside ditches
      - well, spring, or seep
      - marsh or swamp
      - center pivot irrigation corners
      - irrigation canals
      - tail water recovery pit/system.

      Note: See paragraph 181 for more information about seasonal and perennial streams.

CP21 Filter Strips (Continued)

B Program Policy (Continued)

- sinkholes and karst areas

- wetlands with water areas capable of reducing damages by sedimentation and associated pollutants that meet 1 of the following:

  - Permanently Flooded - water covers the land surface throughout the year in all years

  - Intermittently Exposed - surface water is present throughout the year except in years of **extreme** drought

  - Semipermanently Flooded - surface water is present throughout the growing season in most years

    Note: When surface water is absent, the water table is at or very near the land surface.

  - Seasonally Flooded - surface water is present for extended periods of not less than 21 calendar days especially early in the growing season, but is absent by the end of the growing season in most years

    Note: When surface water is absent, the water table is at or very near the land surface.

- other **permanent** water bodies, such as lakes and ponds if **both** of the following are met:

  - provides water cover **throughout the year in all years**
  - flows from the water body off the farm.

  Exception: A pond that is less than 5.0 acres and does **not** flow from the water body off the farm is **not** eligible to be enrolled in CP21.

  Note: Water bodies that do **not** provide permanent water cover throughout the year in all years are **not** eligible.

CP21 Filter Strips (Continued)

B Program Policy (Continued)

- NRCS determines, based on a site visit, all of the following:
  - the cropland is suitable to be devoted to a filter strip
  - the filter strip is needed and feasible to solve the resource concern
  - the cropland is capable, after the filter strip is established, of substantially reducing pollutants in the nearby eligible stream or other water body.

CP21's are not eligible to be used in conjunction with the following practices:

- CP22, because, if needed, a grass buffer is included in CP22
- CP23, because acreage devoted to CP23 may include up to a 3 to 1 ratio of uplands to ensure the functions and values of the cropped wetland are restored
- CP23A, because acreage devoted to CP23A may include up to a 4 to 1 ratio of uplands to ensure the functions and values of the cropped wetland are restored
- CP9, because acreage devoted to CP9 **must** include an adequate buffer to protect the shallow water area.

C Size Requirements

The minimum acceptable width of a filter strip is 20 feet. A filter strip may be applied up to a maximum average width of 120 feet, if needed to accomplish the purpose of the practice.

Notes: The maximum average width of filter strips established for any purpose other than protection and enhancement of water quality, shall not exceed 120 feet.

Infeasible-to-farm provisions may apply to CP21.

When the minimum design specification for water quality exceeds 120 feet, the minimum design specification is the maximum average width that may be enrolled. NRCS **must** document the need for a minimum design specification in excess of 120 feet in writing.

Note: NRCS will determine the documentation needed to support an additional average width for water quality purposes consistent with FOTG standards. The documentation **must** be in the case file.

National CRP Practices (Continued)

CP21 Filter Strips (Continued)

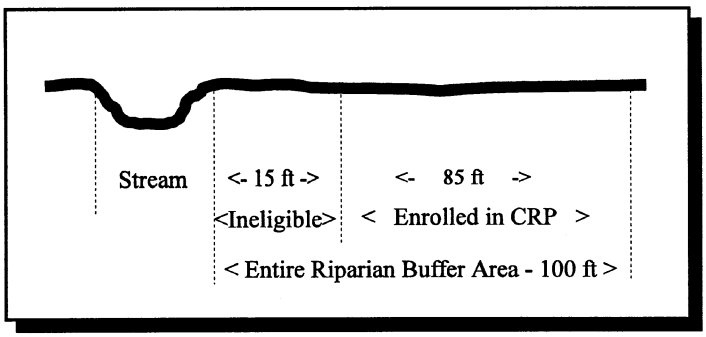
C Size Requirements (Continued)

Example: Producer offers to enroll land to be devoted to a 120 foot wide filter strip to protect the adjacent eligible stream. Based on the soils, slope, and other site conditions, NRCS documents that to address the water quality resource problem and to function properly, the filter strip **must** be a minimum of 145 feet in width. Because the purpose of the filter strip is the protection and enhancement of water quality, the minimum of width 145 feet may be enrolled. The 145 foot minimum width is the maximum acreage that may be enrolled.

The filter strip shall begin at the top of the stream bank. In some cases there may be land that is adjacent to the stream that does **not** meet the eligibility criteria to be enrolled in CRP. **This land shall not be enrolled in CRP**. However, if the eligible land is enrolled in CRP as a filter strip, the ineligible land **shall be** included:

- in the area used as a filter strip
- in the conservation plan
- when determining the width of the filter strip.

This diagram provides an example of a filter strip adjacent to a stream that includes land **not** enrolled in CRP. The first 15 feet adjacent to the stream (starting at the top of the stream bank) does **not** meet the eligibility criteria to be enrolled in CRP.



The filter strip is 100 feet wide. Only the eligible land (85 feet width) is enrolled in CRP. The conservation plan is for the entire filter strip (100 feet). The producer is responsible for maintaining the entire practice (100 feet) according to the plan. Failure to maintain the entire 100 feet may result in CRP payment reductions or termination.

CP21 Filter Strips (Continued)

D C/S Eligibility

To be eligible for C/S, this practice shall:

- be required by the approved conservation plan
- meet the cropland history criteria
- improve environmental benefits to an acceptable level
- reduce additional sediment or pollutants that are being delivered to areas identified in subparagraph B
- be maintained for the contract payment period
- prevent degradation of environmental benefits from recurring.

E C/S Policy

The following contains C/S policies for this practice.

IF the component is...	AND the justification is...	THEN C/S is...
mineral or nutrient	substantiated as needed by COC	authorized using technical practice codes ***--**314, 315, 327, 342, 382, 386, 390, 393, 410, 516, 574, 614, 642, and**--*** 645.
site preparation		
eligible seed and seeding	**Note:** The requirements for this practice, including eligible seed mixtures, nutrients, and minerals **must** be specified in the practice specification as designated by the designated technician.	
herbicide	specified as necessary in the approved conservation plan	
insecticide		

National CRP Practices (Continued)

CP21 Filter Strips (Continued)

E C/S Policy (Continued)

IF the component is...	AND the justification is...	THEN C/S is...
temporary cover	• required in the practice specification • needed until required seed or plant stock is available • needed because normal planting period for the species has passed • that a soil condition, such as chemical residue, will not allow establishment of the cover immediately	authorized.
pipelines and watering facilities constructed outside of the filter strip	providing a water source for livestock away from the filter strip and the adjacent stream or water body **Note:** See paragraph 511.	
fencing	permanent fencing needed to exclude livestock from the filter strip **Note:** See paragraph 511. **Important:** A single strand electric fence shall not be considered a permanent fence for CRP.	
construction of structures where concentrated flow continues to degrade water quality	to meet the requirements of the conservation plan	
grading, leveling, and filling	to control concentrated flow and site preparation. **Important:** Grading, leveling, and filling does not include shaping or manipulation of the stream bank.	

CP21 Filter Strips (Continued)

E C/S Policy (Continued)

IF the component is...	AND the justification is...	THEN C/S is...
herbicide	to maintain vegetative cover	not authorized.
insecticide		
clearing rocks or other obstructions from the area to be seeded		
stream bank stabilization		
mineral or nutrient	to enhance production	

F Practice Requirements

In addition to the practice standards in NRCS FOTG, the following requirements apply.

- The seeded acreage shall not be harvested or grazed by domestic livestock for the life of CRP-1 unless grazing is incidental to the normal gleaning of the crop residue in the field *****--according to subparagraph 720 A.--*****

- Limit C/S to the minimum minerals and seed necessary to establish an adequate cover to improve environmental benefits.

- Practice shall reduce nutrients, sediment, organic matter, pesticides, and other pollutants that are being delivered to the areas identified in subparagraph B.

- Chemicals used in performing the practice **must** be:

  - Federally, State, and locally registered

  - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

CP21 Filter Strips (Continued)

F Practice Requirements (Continued)

- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding land.

- The filter strip **must** be established and maintained according to the practice standards in FOTG.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

G Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 426 for exceptions.

H Environmental Concerns

Consideration of wildlife habitat, water quality and quantity, and other environmental concerns are to be evaluated in the planning and establishment of the protective measure.

I Practice Maintenance

This practice shall be maintained without additional C/S for the life of CRP-1 according to the practice standards in FOTG.

C/S shall be refunded if either of the following applies:

- the producer destroys the practice during the contract period

- the cover fails to provide adequate protection of water quality during the practice lifespan, unless the failure is caused by circumstances beyond the producer's control.

CP21 Filter Strips (Continued)

J Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

K Technical Responsibility

NRCS shall have technical responsibility for this practice.

CP22 Riparian Buffer

A Purposes

The purposes of this practice are to:

- remove nutrients, sediment, organic matter, pesticides, and other pollutants from surface runoff and subsurface flow by deposition, absorption, plant uptake, denitrification, and other processes, and thereby reduce pollution and protect surface water and subsurface water quality while enhancing the ecosystem of the water body
- create shade to lower water temperature to improve habitat for aquatic organisms
- provide a source of detritus and large woody debris for aquatic organisms and habitat for wildlife.

B Program Policy

For **cropland** to be eligible to be enrolled in CRP to be devoted to CP22, **all** of the following **must** be met:

- COC determines both of the following:
  - all cropland eligibility requirements in subparagraph 181 A are met

National CRP Practices (Continued)

CP22 Riparian Buffer (Continued)

B Program Policy (Continued)

- the cropland offered is immediately adjacent and parallel to 1 of the following:

  - stream having perennial flow

  - seasonal stream

    Important: USGS maps shall **not** be solely used to determine seasonal streams. A seasonal stream is a stream that contains water for only part of the year but more than just during and/or after rainfall or snowmelt. Seasonal streams do **not** include:

    - wetlands of any type
    - land devoted to CP9
    - terrace channels
    - grass or sod waterways
    - gullies
    - narrow or wide wash
    - roadside ditches
    - well, spring, or seep
    - marsh or swamp
    - center pivot irrigation corners
    - irrigation canals
    - tail water recovery pit/system.

    Note: See paragraph 181 for more information about seasonal and perennial streams.

  - sinkholes and karst areas

  - wetlands with water areas capable of reducing damages by sedimentation and associated pollutants that meet 1 of the following:

    - Permanently Flooded - water covers the land surface throughout the year in all years

    - Intermittently Exposed - surface water is present throughout the year except in years of **extreme** drought

National CRP Practices (Continued)

CP22 Riparian Buffer (Continued)

B Program Policy (Continued)

- Semipermanently Flooded - surface water is present throughout the growing season in most years

  Note: When surface water is absent, the water table is at or very near the land surface.

- Seasonally Flooded - surface water is present for extended periods of not less than 21 calendar days especially early in the growing season, but is absent by the end of the growing season in most years

  Note: When surface water is absent, the water table is at or very near the land surface.

- other **permanent** water bodies, such as lakes and ponds if **both** of the following are met:

  - provides water cover **throughout the year in all years**
  - flows from the water body off the farm.

  Exception: A pond that is less than 5.0 acres and does **not** flow from the water body off the farm is **not** eligible to be enrolled in CP22.

  Note: Water bodies that do **not** provide permanent water cover throughout the year in all years are **not** eligible.

- NRCS or TSP determines, based on a site visit, **all** of the following:

  - the cropland is suitable to be devoted to a riparian buffer

  - the riparian buffer is needed and feasible to solve the resource concern

  - the cropland is capable, after the riparian buffer is established, of meeting the purposes in subparagraph A

- the riparian buffer is devoted (planted or natural regeneration) to trees.

  Note: Land that is not suitable for tree plantings, as determined by NRCS or TSP, is not eligible to be enrolled in CRP as a riparian buffer.

CP22 Riparian Buffer (Continued)

B Program Policy (Continued)

For **marginal pastureland** to be eligible to be enrolled in CRP to be devoted to CP22, **all** of the following **must** be met:

- COC determines both of the following:
  - all marginal pastureland eligibility requirements in subparagraphs 181 C and D are met
  - the marginal pastureland offered is immediately adjacent and parallel to 1 of the following:
    - **permanent** water bodies, such as lakes and ponds that provides at least a seasonal flow of surface water from the water body off the farm

      Exception: A pond that is less than 5.0 acres and does **not** provide at least a seasonal flow of surface water from the water body off the farm is **not** eligible to be enrolled in CP22.

      Note: Water bodies that do **not** provide a permanent water cover throughout the year in all years are **not** eligible.
    - stream having perennial flow
    - seasonal stream
    - sinkholes and karst area.

      Important: USGS maps shall **not** be solely used to determine seasonal streams. A seasonal stream is a stream that contains water for only part of the year but more than just during and/or after rainfall or snowmelt. Seasonal streams do **not** include:

      - wetlands of any type
      - land devoted to CP9
      - terrace channels
      - grass or sod waterways
      - gullies
      - narrow or wide wash
      - roadside ditches
      - well, spring, or seep
      - marsh or swamp

CP22 Riparian Buffer (Continued)

B Program Policy (Continued)

- center pivot irrigation corners
- irrigation canals
- tail water recovery pit/system.

Note: See paragraph 181 for more information about seasonal and perennial streams.

- NRCS TSP determines, based on a site visit, all of the following:

  - the marginal pastureland is suitable to be devoted to a riparian buffer devoted (planted or natural regeneration) to trees

    Note: Marginal pastureland to be devoted to wildlife habitat buffers should be enrolled as CP29.

  - the riparian buffer is needed and feasible to solve the resource concern

  - trees established on the land, if applicable, are not functioning as a riparian buffer

  - the marginal pastureland is capable, after the riparian buffer is established, of meeting the purposes in subparagraph A

  Important: Marginal pastureland **must** be devoted (planted or natural regeneration) to trees. If trees are already established on the land and functioning as a riparian buffer, the land is ineligible for CRP. See paragraph 181.

- the riparian buffer is devoted (planted or natural regeneration) to trees.

  Note: Land that is not suitable for tree plantings, as determined by NRCS or TSP, is not eligible to be enrolled in CRP as a riparian buffer.

CP22's are not eligible to be used in conjunction with the following practices:

- CP21, because, if needed, a grass buffer is included in CP22

- CP23, because acreage devoted to CP23 may include up to a 3 to 1 ratio of uplands to ensure that the functions and values of the cropped wetland are restored

CP22 Riparian Buffer (Continued)

B Program Policy (Continued)

- CP23A, because acreage devoted to CP23A may include up to a 4 to 1 ratio of uplands to ensure the functions and values of the cropped wetland are restored

- CP9, because acreage devoted to CP9 **must** include an adequate buffer to protect the shallow water area.

This practice is not applicable to CRP offers accepted before signup 14.

C Size Requirements

A riparian buffer shall not be less than 35 feet in width. The maximum width of a riparian buffer is the lessor of 100 feet or 30 percent of the geomorphic floodplain. An area of native grasses and forbs may be added, if otherwise eligible, only for concentrated flow conditions dependent on the site.

Excessive sheet-rill and concentrated flow will be controlled in areas immediately adjacent and up-gradient of the buffer. This area should be the minimum necessary to control excessive sheet-rill erosion and/or concentrated flow.

A riparian buffer may be applied up to a maximum average width of 180 feet, if needed to accomplish the purpose of the practice.

Notes: The maximum average width of riparian buffers established for any purpose other than protection and enhancement of water quality shall not exceed 180 feet.

Infeasible-to-farm provisions may apply to riparian buffers on cropland.

When the minimum design specification for water quality exceeds 180 feet, the minimum design specification is the maximum average width that may be enrolled. NRCS or TSP **must** document the need for a minimum design specification in excess of 180 feet in writing.

Note: NRCS will determine the documentation needed to support an additional average width for water quality purposes consistent with FOTG standards. The documentation **must** be in the case file.

Example: Producer offers to enroll cropland to be devoted to a 180 foot wide riparian buffer to protect the adjacent eligible stream. Based on the soils, slope, and other site conditions, NRCS documents that to address the water quality resource problem and to function properly, the riparian buffer needs to be a minimum of 200 feet in width. Because the purpose of the riparian buffer is the protection and enhancement of water quality, the minimum width of 200 feet may be enrolled. The 200 foot minimum width is the maximum acreage that may be enrolled.

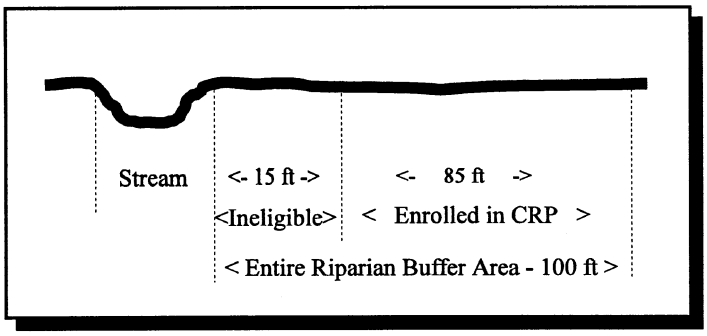
CP22 Riparian Buffer (Continued)

C Size Requirements (Continued)

The riparian buffer shall begin at the top of the stream bank. In some cases there may be land that is adjacent to the stream that does **not** meet the eligibility criteria to be enrolled in CRP. **This land shall not be enrolled in CRP**. However, if the eligible land is enrolled in CRP as a riparian buffer, the ineligible land **shall be** included:

- in the area used as a riparian buffer
- in the conservation plan
- when determining the width of the riparian buffer.

This diagram provides an example of a riparian buffer adjacent to a stream that includes land not enrolled in CRP. The first 15 feet adjacent to the stream (starting at the top of the stream bank) does **not** meet the eligibility criteria to be enrolled in CRP.



The riparian buffer is 100 feet wide. Only the eligible land (85 feet width) is enrolled in CRP. The conservation plan is for the entire riparian buffer (100 feet). The producer is responsible for maintaining the entire practice (100 feet) according to the plan. Failure to maintain the entire 100 feet may result in CRP payment reductions or termination.

National CRP Practices (Continued)

CP22 Riparian Buffer (Continued)

C Size Requirements (Continued)

The riparian forest buffer shall be positioned appropriately and designed to achieve sufficient width, length, and vertical structural-density to accomplish the intended purposes.

Dominant vegetation will consist of naturally regenerated or seeded/planted trees and shrubs suited to the soil and hydrology of the site to achieve the intended purposes.

Excessive sheet-rill and concentrated flow will be controlled. Concentrated flow and/or excessive sheet flow may be controlled through the use of a grass strip. The width of the strip should be the minimum necessary to achieve the intended purposes.

CP22 Riparian Buffer (Continued)

D C/S Eligibility

To be eligible for C/S, this practice shall:

- be required by the approved conservation plan
- be implemented on land that meets the cropland history criteria or marginal pastureland
- improve environmental benefits to less than the soil loss tolerance
- reduce additional nutrients, sediment, organic matter, or other pollutants that are being delivered to areas identified in subparagraph B
- be maintained for the contract payment period
- prevent degradation of environmental benefits from recurring.

Note: Use tree species that are native and noninvasive. Substitution with improved and locally accepted cultivars is permitted. Use high quality and adapted plant material.

See subparagraphs E and H for eligible C/S when producer elects natural regeneration.

CP22 Riparian Buffer (Continued)

E C/S Policy

The following shows C/S policies for this practice.

IF the component is...	AND the justification is...	THEN C/S is...
minerals, nutrients, seed, tree and shrub seedlings, seedbed preparation, and seeding, except when natural regeneration is selected by the producer	substantiated as needed by COC **Note:** The requirements for this practice, including eligible seed mixtures, nutrients, and minerals **must** be specified in the practice specification, as designated by the designated technician.	authorized using technical practice codes ***--**314, 315, 327, 382, 390, 391, 410, 441, 516, 548, 550, 574, 578,**--*** 612, 614, 642, 645, and 647.
herbicides and pesticides	specified as necessary to establish the vegetation and included in the conservation plan **Note:** This does not include herbicides or pesticides used as part of the maintenance of the practice.	
temporary supplemental irrigation systems or plastic mulch, except when natural regeneration is selected by the producer	in arid areas where the average annual precipitation is 25 inches or less and determined needed by both COC and designated technician	
rock-filled infiltration trenches to induce subsurface flow	specified as necessary to establish the vegetation and included in the conservation plan **Note:** The potential for groundwater contamination **must** be considered during planting and design.	
grading, leveling, and filling	to control concentrated flow and site preparation	
permanent fencing	fencing needed to exclude livestock from the riparian buffer **Important:** A single strand electric fence shall not be considered a permanent fence for CRP.	

National CRP Practices (Continued)

CP22 Riparian Buffer (Continued)

E C/S Policy (Continued)

IF the component is...	AND the justification is...	THEN C/S is...
water gaps, bridges, or other livestock crossing facilities on small streams	specified as necessary to prevent sedimentation and pollution in the stream and included in the conservation plan **Note:** See subparagraph 511 I.	authorized.
pipelines and water facilities constructed outside of the riparian buffer strip	substantiated as needed by COC for the purpose of providing a water source for livestock **Note:** COC shall only approve the minimum number of water sources needed. See paragraph 511.	
plugging, removing, or replacing with perforated pipe	to filter pollutants from underground drains through the riparian forest areas	
a regulating valve or structure may be installed to control drainage outflow	to reduce nitrogen or other pollutant loading	

National CRP Practices (Continued)

CP22 Riparian Buffer (Continued)

E C/S Policy (Continued)

IF the component is...	**AND the justification is...**	**THEN C/S is...**
tree shelters, netting, plastic tubes, or other animal damage control devices, except when natural regeneration is selected by the producer	approved by STC for the area and substantiated as needed by designated technician and COC to prevent damage from wildlife browsing **Note:** STC **must** designate areas where using such measures is warranted and cost-effective to protect seedlings. See paragraphs 31 and 491.	authorized not to exceed an average cost, as determined by STC.
streambank stabilization		not authorized.
minerals, nutrients, herbicides, and insecticides	to maintain vegetative cover or enhance production	
seed, tree and shrub seedlings, seedbed preparation and seeding	for use with natural regeneration	
minerals and nutrients		
temporary supplemental irrigation systems or plastic mulch		
clearing rocks or other obstructions from the area to be seeded		

CP22 Riparian Buffer (Continued)

F Practice Requirements

In addition to the practice standards in NRCS FOTG, the following requirements apply.

- The buffer shall not be harvested or grazed by domestic livestock for the life of CRP-1.
- Limit C/S to the minimum materials necessary to establish an adequate cover to improve environmental benefits.
- Acreage shall reduce nutrients, sediment, organic matter, pesticides, and other pollutants that are being delivered to the areas identified in subparagraph B.
- Chemicals used in performing the practice **must** be:
  - Federally, State, and locally registered
  - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.
- Noxious weeds and other undesirable plants, insects, and pests shall be controlled.
- The riparian buffer **must** be established and maintained according to the practice standards in FOTG.
- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

G Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1.

Exceptions: See paragraph 426 for exceptions to 12-month planting requirement.

See subparagraph H for natural regeneration.

National CRP Practices (Continued)

CP22 Riparian Buffer (Continued)

H Natural Regeneration

Producers may elect to allow natural regeneration of the riparian buffer if **all** of the following are met:

- NRCS or TSP determines both of the following:
  - an adequate seed source of approved tree, shrub, and grass species is present in the soil at the site

    Note: Grass is an acceptable cover in the riparian buffer only if determined needed to control concentrated flow and an excessive sheet flow.

  - under normal conditions, the **appropriate cover** will be established within 2 years of CRP-1 effective date
- erosion and runoff will be controlled during the establishment period
- weeds, including noxious weeds, and other nonapproved plant species will be controlled during the establishment period
- the conservation plan signed by the producer requires **all** of the following:
  - **no** C/S shall be paid for the practice

    Exceptions: See subparagraph E.

  - the producer will plant the approved cover at no cost to FSA or CCC according to a revised conservation plan if the riparian buffer is not established through natural regeneration within 2 years of CRP-1 effective date
  - conservation practice code 647, Early Successional Habitat Development/Management, is used to identify natural regeneration
  - NRCS or TSP shall spot check the site at the end of the second year to determine whether the riparian buffer is established and meets the standards **and** specifications for NRCS conservation practice code 391A, Riparian Forest Buffer

    Note: FSA **must** immediately notify COC and the participant:

    - of the result of the spot check
    - that the participant **must** plant the approved cover with no C/S according to a revised conservation plan, if applicable.

CP22 Riparian Buffer (Continued)

H Natural Regeneration (Continued)

COC shall **not** approve CRP-1 until **all** of the preceding requirements are met. COC shall ensure the producer is fully informed that:

- no C/S will be paid for natural regeneration

  Exceptions: See subparagraph E.

- the producer will be required to plant the approved cover with no C/S if the approved cover is not established within 2-years of CRP-1 effective date.

I Environmental Concerns

Consideration of wildlife habitat, water quality and quantity, and other environmental concerns are to be evaluated in the planning and establishment of the protective measure.

J Practice Maintenance

This practice shall be maintained without additional C/S for the life of the practice according to the practice standards in FOTG.

C/S shall be refunded if either of the following applies:

- the producer destroys the practice during the contract period

- the cover fails to provide adequate protection of water quality during the practice lifespan, unless the failure is caused by circumstances beyond the producer's control.

K Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

L Technical Responsibility

Technical responsibility for this practice shall be assigned to FS and NRCS, or TSP.

CP23 Wetland Restoration

A Purpose

The purpose of this practice is to restore the functions and values of wetland ecosystems that have been devoted to agricultural use. The level of restoration of the wetland ecosystem shall be determined by the producer in consultation with NRCS or TSP.

B Program Policy

Apply this practice to eligible wetlands and associated acreage that are suitably located and adapted to the restoration of wetland functions and values. The restoration of wetland hydrology is only required to the extent specified by the producer.

Note: Cottonwoods may be planted to enhance the viability of other hardwood trees (oaks, etc.).

Selection of cottonwood as a component must be silviculturally and ecologically appropriate for the long-term health and production of the stand. Hydrologic and soil characteristics must be appropriate for the planting of cottonwood species.

C Total Eligible Cropland Limit

Total eligible cropland for wetland restorations is limited to cropland:

- according to paragraph 151
- within the 100-year floodplain of a permanent river or stream
- that includes a minimum of 51 percent hydric soils for the acreage offered (nonbuffer areas).

Note: An offer that includes a buffer outside the 100-year floodplain may be enrolled if otherwise eligible, needed, and feasible for the practice.

D Size Requirements

The amount of adjacent upland acreage to be enrolled shall be determined by NRCS. The amount of adjacent upland acres:

- is limited to the minimum number of acres required to provide a protective buffer to the cropped wetland and to enhance wildlife habitat

- may be less than the 3 to 1 ratio

- shall not exceed the 3 to 1 ratio.

CP23 Wetland Restoration (Continued)

E C/S Eligibility

To be eligible for C/S, this practice shall:

- be included in the approved conservation plan
- be maintained for the life of CRP-1
- restore the functional capability and values of the wetland ecosystem to a level determined by the participant in consultation with NRCS or TSP, including the following:
    - preventing degradation of the wetland area and surrounding upland area from recurring
    - increasing sediment trapping efficiencies
    - improving surface and ground water quality
    - preventing excessive erosion from recurring
    - providing waterfowl and other wildlife habitat
    - reducing flood flows.

F C/S Policy

The following provides C/S policies for this practice.

IF the component is...	AND the justification is...	THEN C/S is...
earthmoving	to construct dams, levees, dugouts, or dikes needed to develop or restore the hydrology of the site	authorized using technical practice codes 327, 338, 340, *--342, 356,--* 512, 550, 587, 612, 638, 644, 645, 657, 658, and 659.
eligible seeding for grassland ecosystem	for soils that are developed under a grassland ecosystem that will not be covered by water anytime during a normal growing season and substantiated as needed by COC for: • establishment of permanent native grass species • establishment of permanent introduced grasses and legumes and native shrub species, where determined necessary to improve wildlife habitat • planting annuals as a nurse crop to prevent erosion while permanent cover is becoming established	

National CRP Practices (Continued)

CP23 Wetland Restoration (Continued)

F C/S Policy (Continued)

IF the component is...	AND the justification is...	THEN C/S is...
eligible seeding for woodland ecosystem	for soils that are developed under a woodland ecosystem, except in areas that will be covered by water during no less than 60 calendar days of the normal growing season, and substantiated as needed by COC for: • establishment of hard mast-producing hardwoods adapted for living in wet conditions that will provide multipurpose forest and wildlife benefits • establishment of native and permanent introduced grasses and legumes and native shrub species, where determined necessary to improve wildlife habitat • planting annual grasses, legumes, perennial native grass species, and softwoods, not to exceed 50 percent of the total number of trees planted, to serve as a nurse crop to prevent erosion while permanent cover is becoming established	authorized.
seedbed preparation	substantiated as needed by COC, not including clearing rocks or other obstructions from the area to be seeded	
breaking tile	restore natural water flow	
structures, like pipe, chutes, and outlets	to regulate flow necessary to install an effective practice, as determined by NRCS or TSP	

CP23 Wetland Restoration (Continued)

F C/S Policy (Continued)

IF the component is...	AND the justification is...	THEN C/S is...
temporary cover	• required in the practice specifications • needed until the required seeds or plant stock is available • needed because the normal planting period for the permanent cover crop has passed • that a soil condition, like chemical residue, will not allow establishment of the permanent cover immediately	authorized.
seeding firebreaks, fuelbreaks, or firelanes	to establish and maintain the cover according to State requirements	
herbicides, pesticides, and insecticides	specified as necessary in the approved conservation plan to establish the cover, but not for use as part of the maintenance of the cover	
mineral or nutrient	substantiated as needed by COC to establish the approved cover	
tree shelters, netting, plastic tubes, or other animal damage control devices	approved by STC for the area and substantiated as needed by designated technician and COC to prevent damage from wildlife browsing **Note:** STC **must** designate areas where use of such measures is warranted and cost-effective to protect seedlings. See paragraphs 31 and 491	authorized not to exceed an average cost, as determined by STC.

CP23 Wetland Restoration (Continued)

F C/S Policy (Continued)

IF the component is...	AND the justification is...	THEN C/S is...
fencing or roads		not authorized.
clearing rocks or other obstructions from the area to be seeded		
clean tilling of firebreaks, fuelbreaks, or firelanes		
tree or grass species	establishment for ornamental purposes	
herbicides, pesticides, and insecticides	to maintain cover	
mineral or nutrient	to maintain cover or enhance production	
cottonwoods planted to serve as a nurse crop for other hardwoods		

G Practice Requirements

In addition to the practice standards in NRCS FOTG, the following requirements apply.

- The seeded area shall not be harvested or grazed by domestic livestock for the life of CRP-1.

- Limit C/S to the minimum work and materials necessary to develop or restore the wetland hydrology, and establish an adequate cover to improve environmental benefits.

- The wetland ecosystem shall be restored to the extent identified according to subparagraph B.

  Note: The level of restoration shall be determined by the producer in consultation with NRCS or TSP.

- Approval must be obtained from the State Forester and State Wildlife Agency certifying that planting of cottonwood as a nurse crop is appropriate for the State.

- Planting of cottonwood trees may only be for nurse trees in a pattern appropriate for that purpose.

CP23 Wetland Restoration (Continued)

G Practice Requirements (Continued)

- Chemicals used in establishing the practice **must** be:
  - Federally, State, and locally registered
  - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.
- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding lands.
- The practice **must** be established and maintained according to the practice standards in FOTG.
- The hydrology of the wetland **must** be maintained according to the operation and maintenance requirements for the practice standard.
- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

H Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 426 for exceptions.

I Environmental Concerns

Consideration of water quality, wildlife, and other environmental concerns are to be evaluated in the planning and establishment of this practice.

CP23 Wetland Restoration (Continued)

J Practice Maintenance

The practice shall be maintained without additional C/S for the life of CRP-1 according to the practice standards in FOTG.

Tree thinning or harvest of cottonwood species may be permitted after year 9 of the CRP contract appropriate for the stand as determined by the State Forester. C/S for tree thinning is authorized.

C/S shall be refunded if any of the following apply:

- producer destroys the practice during the life of CRP-1
- producer fails to maintain the cover during the life of CRP-1
- the cover fails to provide adequate protection of water quality during the life of CRP-1, unless the failure is caused by circumstances beyond the producer's control.

K Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

CP23 Wetland Restoration (Continued)

L Incentive to Restore Hydrology for CRP-1's Approved Before November 3, 2008

A 1-time WRI payment equal to 25 percent of the cost of restoring the hydrology of the site is available to encourage the restoration of cropped wetlands only for CRP-1's approved before November 3, 2008. WRI payment shall be:

- a separate payment from any applicable C/S
- issued according to 1-FI using program code "XXCRPWRI"
- issued upon certification of completion of practice
- equal to 25 percent of the cost of restoring the hydrology of the site.

Exception: WRI is **not** authorized for re-enrolled practices under continuous or FWP.

Note: Do **not** include the cost associated with establishing any associated acreage when calculating the 1-time WRI payment.

Producers do **not** have to receive C/S to be eligible for the 1-time WRI payment.

M Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP. For areas to be established to trees, FS or State Forestry Agency shall have technical responsibility. The State Forester has responsibility for determining if selection of a cottonwood species component is silviculturally and ecologically appropriate.

CP23A Wetland Restoration, Non-Floodplain

A Purpose

The purpose of this practice is to restore the functions and values of wetland ecosystems that have been devoted to agricultural use. The level of restoration of the wetland ecosystem shall be determined by the producer in consultation with NRCS or TSP.

B Program Policy

Apply this practice to eligible wetlands and associated acreage that are any of the following:

- located outside the 100-year floodplain
- playa lakes.

The land **must** be suitable and adapted to the restoration of wetland functions and values. The restoration of wetland hydrology is only required to the extent specified by the producer.

Note: Cottonwoods may be planted to enhance the viability of other hardwood trees (oaks, etc.).

Selection of cottonwood as a component must be silviculturally and ecologically appropriate for the long-term health and production of the stand. Hydrologic and soil characteristics must be appropriate for the planting of cottonwood species.

C Size Requirements

The amount of adjacent upland acreage to be enrolled shall be determined by NRCS. The amount of adjacent upland acres:

- is limited to the minimum number of acres required to provide a protective buffer to the cropped wetland and to enhance wildlife habitat

- may be less than the 4 to 1 ratio

- shall not exceed the 4 to 1 ratio.

CP23A Wetland Restoration, Non-Floodplain (Continued)

E C/S Eligibility

To be eligible for C/S, this practice shall:

- be included in the approved conservation plan
- be maintained for the life of CRP-1
- restore the functional capability and values of the wetland ecosystem to a level determined by the participant in consultation with NRCS or TSP, including the following:
    - preventing degradation of the wetland area and surrounding upland area from recurring
    - increasing sediment trapping efficiencies
    - improving surface and ground water quality
    - preventing excessive erosion from recurring
    - providing waterfowl and other wildlife habitat
    - reducing flood flows.

F C/S Policy

The following provides C/S policies for this practice.

IF the component is...	AND the justification is...	THEN C/S is...
earthmoving	to construct dams, levees, dugouts, or dikes needed to develop or restore the hydrology of the site	authorized.
eligible seeding for grassland ecosystem	for soils that are developed under a grassland ecosystem that will not be covered by water anytime during a normal growing season and substantiated as needed by COC for: • establishment of permanent native grass species • establishment of permanent introduced grasses and legumes and native shrub species, where determined necessary to improve wildlife habitat • planting annuals as a nurse crop to prevent erosion while permanent cover is becoming established	

CP23A Wetland Restoration, Non-Floodplain (Continued)

F C/S Policy (Continued)

IF the component is...	AND the justification is...	THEN C/S is...
eligible seeding for woodland ecosystem	for soils that are developed under a woodland ecosystem, except in areas that will be covered by water during no less than 60 calendar days of the normal growing season, and substantiated as needed by COC for: • establishment of hard mast-producing hardwoods adapted for living in wet conditions that will provide multipurpose forest and wildlife benefits • establishment of native and permanent introduced grasses and legumes and native shrub species, where determined necessary to improve wildlife habitat • planting annual grasses, legumes, perennial native grass species, and softwoods, not to exceed 50 percent of the total number of trees planted, to serve as a nurse crop to prevent erosion while permanent cover is becoming established	authorized.
seedbed preparation	substantiated as needed by COC, not including clearing rocks or other obstructions from the area to be seeded	
breaking tile	restore natural water flow	
structures, like pipe, chutes, and outlets	to regulate flow necessary to install an effective practice, as determined by NRCS or TSP	

CP23A Wetland Restoration, Non-Floodplain (Continued)

F C/S Policy (Continued)

IF the component is...	AND the justification is...	THEN C/S is...
temporary cover	• required in the practice specifications • needed until the required seeds or plant stock is available • needed because the normal planting period for the permanent cover crop has passed • that a soil condition, like chemical residue, will not allow establishment of the permanent cover immediately	authorized using technical practice codes 327, 338, 340, *--342, 356,--* 548, 550, 587, 612, 638, 644, 645, 657, 658, and 659.
seeding firebreaks, fuelbreaks, or firelanes	to establish and maintain the cover according to State requirements	
herbicides, pesticides, and insecticides	specified as necessary in the approved conservation plan to establish the cover, but not for use as part of the maintenance of the cover	
mineral or nutrient	substantiated as needed by COC to establish the approved cover	
tree shelters, netting, plastic tubes, or other animal damage control devices	approved by STC for the area and substantiated as needed by designated technician and COC to prevent damage from wildlife browsing **Note:** STC **must** designate areas where use of such measures is warranted and cost-effective to protect seedlings. See paragraphs 31 and 491.	authorized not to exceed an average cost, as determined by STC.

CP23A Wetland Restoration, Non-Floodplain (Continued)

F C/S Policy (Continued)

IF the component is...	AND the justification is...	THEN C/S is...
fencing or roads		not authorized.
clearing rocks or other obstructions from the area to be seeded		
clean tilling of firebreaks, fuelbreaks, or firelanes		
tree or grass species	establishment for ornamental purposes	
herbicides, pesticides, and insecticides	to maintain cover	
mineral or nutrient	to maintain cover or enhance production	
cottonwoods planted to serve as a nurse crop for other hardwoods		

G Practice Requirements

In addition to the practice standards in NRCS FOTG, the following requirements apply.

- The seeded area shall not be harvested or grazed by domestic livestock for the life of CRP-1.

- Limit C/S to the minimum work and materials necessary to develop or restore the wetland hydrology, and establish an adequate cover to improve environmental benefits.

- The wetland ecosystem shall be restored to the extent identified according to subparagraph B.

  Note: The level of restoration shall be determined by the producer in consultation with NRCS or TSP.

- Approval must be obtained from the State Forester and State Wildlife Agency certifying that planting of cottonwood as a nurse crop is appropriate for the State.

- Planting for cottonwood trees may only be for nurse trees in a pattern appropriate for that purpose.

CP23A Wetland Restoration, Non-Floodplain (Continued)

G Practice Requirements (Continued)

- Chemicals used in establishing the practice **must** be:
  - Federally, State, and locally registered
  - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.
- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding lands.
- The practice **must** be established and maintained according to the practice standards in FOTG.
- The hydrology of the wetland **must** be maintained according to the operation and maintenance requirements for the practice standard.
- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

H Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 426 for exceptions.

I Environmental Concerns

Consideration of water quality, wildlife, and other environmental concerns are to be evaluated in the planning and establishment of this practice.

J Practice Maintenance

The practice shall be maintained without additional C/S for the life of CRP-1 according to the practice standards in FOTG.

Tree thinning or harvest of cottonwood species may be permitted after year 9 of the CRP contract appropriate for the stand as determined by the State Forester. C/S for tree thinning is authorized.

CP23A Wetland Restoration, Non-Floodplain (Continued)

J Practice Maintenance (Continued)

C/S shall be refunded if any of the following apply:

- producer destroys the practice during the life of CRP-1
- producer fails to maintain the cover during the life of CRP-1
- the cover fails to provide adequate protection of water quality during the life of CRP-1, unless the failure is caused by circumstances beyond the producer's control.

K Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

L Incentive to Restore Hydrology for CRP-1's Approved Before November 3, 2008

A one-time WRI payment equal to 25 percent of the cost of restoring the hydrology of the site is available to encourage the restoration of cropped wetlands only for CRP-1's approved before November 3, 2008. WRI payment shall be:

- a separate payment from any applicable C/S
- issued according to 1-FI using program code "XXCRPWRI"
- issued upon certification of completion of practice
- equal to 25 percent of the cost of restoring the hydrology of the site.

Note: Do not include the cost associated with establishing any associated acreage when calculating the one-time WRI payment.

Producers do not have to receive C/S to be eligible for the one-time WRI payment.

M Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP. For areas to be established to trees, FS or State Forestry Agency shall have technical responsibility. The State Forester has responsibility for determining if selection of a cottonwood species component is silviculturally and ecologically appropriate.

CP24 Establishment of Permanent Vegetative Cover as Cross Wind Trap Strips

A Purpose

The purpose of this practice is to establish 1 or more strips, varying in size, of permanent vegetative cover resistant to wind erosion perpendicular to the prevailing wind direction on eligible cropland with a wind erosion EI greater than or equal to 4 (EI ≥ 4) that will:

- reduce on-farm wind erosion
- trap wind-borne sediments and sediment borne contaminants
- help protect public health and safety.

B Program Policy

Apply this practice to permanent vegetative cover for cross wind trap strips on eligible cropland perpendicular to the prevailing wind direction.

This practice shall:

- consist of at least 2 strips each that meet the size requirements in subparagraph D
- not exceed, in aggregate, 10 percent of the total field acreage
- only be devoted to eligible cropland with a wind erosion EI greater than or equal to 4 (EI ≥ 4).

C Eligibility

To be eligible for C/S, this practice shall:

- improve environmental benefits to less than the soil loss tolerance
- prevent degradation of environmental benefits from recurring
- be maintained for the CRP-1 period
- be required by the approved conservation plan
- not exceed the size requirements in subparagraph D

- only be devoted to eligible cropland with a wind erosion EI greater than or equal to 4 (EI ≥ 4).

CP24 Establishment of Permanent Vegetative Cover as Cross Wind Trap Strips (Continued)

D Size Requirements

Cross wind trap strips shall:

- be a minimum of 15 feet in width
- not exceed 25 feet in width
- consist of permanent vegetation that is a minimum of 12 inches in height
- not exceed, in aggregate, 10 percent of the total acreage in the field.

E C/S Policy

The following shows C/S policies for this practice.

IF the component is...	AND the justification is...	THEN C/S is...
minerals	substantiated as needed by COC	authorized using technical practice *--codes 314, 315, 327, 338, 340, 342, 548, 550, 589, and 590.--*
eligible seed		
seedbed preparation		
seeding		
herbicides	specified as necessary during practice establishment in the approved conservation plan	
insecticides		
temporary cover	• required in the practice specifications • needed until required seed or plant stock is available • needed because normal planting period for the species has passed • that a soil condition, such as chemical residue, will not allow establishment of cover immediately	
herbicides	to maintain vegetative cover	not authorized.
insecticides		
earthmoving	to establish the contour grass strips	

CP24 Establishment of Permanent Vegetative Cover as Cross Wind Trap Strips (Continued)

E C/S Policy

The following shows C/S policies for this practice.

IF the component is...	AND the justification is...	THEN C/S is...
clearing rocks or other obstructions from the area to be seeded		not authorized.
fencing		
minerals	to enhance production	

F Requirements

The following are requirements for this practice.

- Limit C/S to the minimum minerals and seed necessary to establish adequate cover to improve environmental benefits.
- The acreage seeded shall not be harvested or grazed by domestic livestock for the life of CRP-1.
- Chemicals used in performing the practice **must** be:
  - Federally, State, and locally registered
  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.
- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding lands.
- Designed width of strips **must** be maintained for the life of CRP-1.
- Deposition of soil materials shall be removed when the accumulated sediment in the cross wind trap strip exceeds 6 inches in depth.

  Note: Cover shall be reseeded, at producer's expense, after accumulated sediment is removed.

CP24 Establishment of Permanent Vegetative Cover as Cross Wind Trap Strips (Continued)

F Requirements (Continued)

- Vegetative cover height of at least 12 inches shall be maintained for the life of CRP-1.
- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

G Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 426 for exceptions.

H Environmental Concerns

Consider wildlife concerns when making determinations about seed varieties and other practice specifications.

I Practice Maintenance

The practice shall be maintained without additional C/S for the CRP-1 period. C/S shall be refunded if:

- producer destroys the cover during the CRP-1 period
- width of the strips are not maintained
- minimum height of vegetative cover is not maintained
- sediment deposition is not removed, when required, and acreage reseeded
- cover fails to provide enhancement of environmental benefits during the practice lifespan unless caused by circumstances beyond the producer's control.

J Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

CP24 Establishment of Permanent Vegetative Cover as Cross Wind Trap Strips (Continued)

K Program Development

County practice shall include the practice lifespan. County programs shall also provide details of any requirements, such as seedbed preparation, seeding dates, eligible seed, etc., that are conditions for C/S for the practice. STC may establish these requirements.

L Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP.

CP25 Rare and Declining Habitat

A Purpose

The purpose of this practice is to restore the functions and values of critically endangered, endangered, and threatened habitats. The extent of the restoration is determined by the specifications developed at the State level.

Note: All State specifications **must** be reviewed and approved by DAFP.

Habitats eligible for restoration include:

- Critically endangered, endangered, and threatened ecosystems listed in Appendix B of the U.S. Department of the Interior, National Biological Service, Biological Report 28, "Endangered Ecosystems of the United States: A Preliminary Assessment of Loss and Degradation."

  Note: See subparagraph L.

- Other specifically identified habitats within a State with documented losses of greater than 70 percent since European settlement.

  Notes: Documentation of 70 percent or greater loss **must** be provided for all habitats not listed in subparagraph L.

  All habitats not listed in subparagraph L **must** be approved by DAFP.

B Program Policy

Apply this practice to eligible lands where a specified habitat can be restored and maintained, as determined by NRCS technical specifications, in a cost-effective manner through enrollment in CRP.

Notes: NRCS technical restoration specifications shall be developed in consultation with the State Technical Committee.

Technical expertise from other Federal and State agencies and/or private organizations is encouraged to assist with habitat establishment and long-term management of the restored habitats.

State NRCS Offices shall submit **all** specifications developed to NRCS National Headquarters for review. To be an eligible practice, specifications **must** be approved by DAFP before implementation.

CP25 Rare and Declining Habitat (Continued)

C Eligibility

To be eligible for C/S, this practice shall:

- improve environmental benefits to less than the soil loss tolerance
- prevent degradation of environmental benefits from recurring
- be maintained for the CRP-1 period
- be required by the approved conservation plan
- be implemented on eligible lands where the rare and declining habitat can be restored in a cost-effective manner through enrollment in CRP
- restore the native vegetative components and functions, and values of rare and declining wildlife habitats to a level determined by the specifications developed at the State level and approved by DAFP.

Note: C/S shall not exceed 50 percent of the price at which the land placed in CRP could be sold for use as farmland at the time at which CRP-1 is signed by the producer. See paragraph 491.

CP25 Rare and Declining Habitat (Continued)

D C/S Policy

The following shows C/S policies for this practice.

IF the component is...	AND the justification is...	THEN C/S is...
minerals	substantiated as needed by COC **Notes:** The requirements of this practice, including eligible seed mixtures and minerals **must** be specified in the practice specification, as developed by the designated technician. Only seed that meets the purpose of the practice shall be eligible for C/S.	authorized using technical practice ***--**codes 314, 315, 327, 338, 340, 342, 362, 394, 441, 550, 574,**--*** 600, 612, 614, 643, 645, 657, and 658.
eligible seed, including grasses, trees, shrubs, legumes and forbs		
seedbed preparation		
seeding		
herbicides	specified as necessary during practice establishment in the approved conservation plan	
insecticides		
temporary cover	• required in the practice specifications • needed until required seed or plant stock is available • needed because normal planting period for the species has passed • that a soil condition, such as chemical residue, will not allow establishment of cover immediately	
Structures, such as pipe, flashboard risers, gates, chutes, and outlets	to restore hydrology, when applicable, for an effective practice, as determined by the designated technician and stated as needed in the technical specifications submitted for review and in the approved conservation plan	

CP25 Rare and Declining Habitat (Continued)

D C/S Policy

The following shows C/S policies for this practice.

IF the component is...	AND the justification is...	THEN C/S is...
Tree tubes, plastic mulch, and temporary irrigation systems	in arid areas where needed to establish a tree planting, as determined by the designated technician and stated as needed in the technical specifications submitted for review and in the approved conservation plan	authorized.
earthmoving	to construct dams, levees, dugouts, or dikes needed to develop or restore the hydrology of the site and specified as necessary during practice establishment in the approved conservation plan	
herbicides	to maintain vegetative cover	not authorized.
insecticides		
clearing rocks or other obstructions from the area to be seeded		
roads		
fencing		
minerals	to enhance production	

CP25 Rare and Declining Habitat (Continued)

E Requirements

States shall develop detailed:

- specifications to accomplish the successful restoration of the critically endangered, endangered, and threatened habitats within the State

- maps of the area where the approved practice specifications will be implemented.

All specifications **must** be reviewed and approved by DAFP.

The following are requirements for this practice.

- The approved critically endangered, endangered, or threatened habitat shall be restored according to specifications developed by the State and approved by DAFP.

- Limit C/S to the minimum minerals and seed necessary to restore the rare and declining habitat vegetative characteristics, as provided by the State specific restoration specifications.

- Acreage **must** be maintained according to the conservation plan for the life of CRP-1.

- The acreage enrolled shall not be harvested or grazed by domestic livestock for the life of CRP-1.

- The size of the acreage established should be of sufficient size and location on the landscape as to meet the purpose of the practice.

- Chemicals used in performing the practice **must** be:

  - Federally, State, and locally registered

  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding lands.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

CP25 Rare and Declining Habitat (Continued)

F Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 426 for exceptions.

G Environmental Concerns

Restoration of critically endangered, endangered, and threatened habitats is the primary consideration when making determinations about types of plantings, spacing, and other practice specifications. Consider preserving and improving the surrounding environment when making determinations about seed varieties and other practice specifications.

H Practice Maintenance

The practice shall be maintained without additional C/S for the CRP-1 period. C/S shall be refunded if:

- producer destroys the cover during the CRP-1 period
- restoration fails to meet the goals of the practice during the practice lifespan, unless caused by circumstances beyond the producer's control
- cover fails, unless caused by circumstances beyond the producer's control.

I Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

J Program Development

State-specific specifications shall be developed for this practice and **must** be reviewed and approved by DAFP.

County Offices are not authorized to modify established specifications or develop county practices for CP25.

CP25 Rare and Declining Habitat (Continued)

K Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP.

L Approved Critically Endangered and Endangered Ecosystems

Critically Endangered (>98 Percent Decline) Ecosystems

Old-growth and other virgin stands in the eastern deciduous forest biome.

Spruce-fir (*Picea rubens-Abies fraseri*) forest in the southern Appalachians.

Red pine (*Pinus resinosa*) and white pine (*Pinus strobus*) forests (mature and old-growth) in Michigan.

Longleaf pine (*Pinus palustris*) forests and savannas in the southeastern coastal plain.

Slash pine (*Pinus elliottii*) rockland habitat in South Florida.

Loblolly pine-shortleaf pine (*Pinus taeda-Pinus echinata*) hardwood forests in the West Gulf Coastal Plain.

Arundinaria gigantea canebrakes in the Southeast.

Tallgrass prairie east of the Missouri River and on mesic sites across range.

Bluegrass savanna-woodland and prairies in Kentucky.

Black Belt prairies in Alabama and Mississippi and in the Jackson Prairie in Mississippi.

Ungrazed dry prairie in Florida.

Oak (*Quercus* spp.) savanna in the Midwest.

Wet and mesic coastal prairies in Louisiana.

Lakeplain wet prairie in Michigan.

CP25 Rare and Declining Habitat (Continued)

L Approved Critically Endangered and Endangered Ecosystems (Continued)

Sedge (*Carex* spp. and others) meadows in Wisconsin.

Hempstead Plains grasslands on Long Island.

Lake sand beaches in Vermont.

Serpentine barrens, maritime heathland, and pitch pine (*Pinus* rigida)-heath barrens in New York.

Prairies (all types) and oak savannas in the Willamette Valley and in the foothills of the Coast Range, Oregon.

Palouse prairie (Idaho, Oregon, and Washington and in similar communities in Montana).

Native grasslands (all types) in California.

Alkali sink scrub in southern California.

Coastal strand in southern California.

Ungrazed sagebrush steppe in the Intermountain West.

Basin big sagebrush (*Artenisia tridentata*) in the Snake River Plain of Idaho.

Atlantic white-cedar (*Chamaecyparis thyoides*) stands in the Great Dismal Swamp of Virginia and in North Carolina and possibly across the entire range.

Streams in the Mississippi Alluvial Plain.

CP25 Rare and Declining Habitat (Continued)

L Approved Critically Endangered and Endangered Ecosystems (Continued)

Endangered (85-98 Percent Decline)

Old-growth and other virgin forests in regions and in States other than in those already listed, except in Alaska.

Mesic limestone forest and barrier island beaches in Maryland.

Coastal plain Atlantic white-cedar swamp, maritime oak-holly (*Quercus spp.-Ilex* spp.) forest, maritime redcedar (*Juniperus virginiana*) forest, marl fen, marl pond shore, and oak openings in New York.

Coastal heathland in southern New England and on Long Island.

Pine-oak-heath sandplain woods and lake sand beach in Vermont.

Floodplain forests in New Hampshire.

Red spruce (*Picea rubens*) forests in the central Appalachians (West Virginia).

Lowland forest in southeastern Missouri.

High-quality oak-hickory (*Quercus spp.-Carya* spp.) forest on the Cumberland Plateau and on the Highland Rim of Tennessee.

Limestone redcedar (*Juniperus virgintanus*) glades in Tennessee.

Wet longleaf pine savanna and eastern upland longleaf pine forest in Louisiana.

Calcareous prairie, Fleming glade, shortleaf pine/oak-hickory forest, mixed hardwood-loblolly pine forest, eastern xeric sandhill woodland, and stream terrace sandy woodland/savanna in Louisiana.

Slash pine (*Pinus elliottii*) forests in southwestern Florida.

Red pine and white pine forests in Minnesota.

Coastal redwood (*Sequoia sempervirens*) forests in California.

CP25 Rare and Declining Habitat (Continued)

L Approved Critically Endangered and Endangered Ecosystems (Continued)

Old-growth ponderosa pine (*Pinus ponderosa*) forests in the northern Rocky Mountains, Intermountain West, and eastside Cascades Mountains.

Riparian forests in California, Arizona, and New Mexico.

Coastal sage scrub (especially maritime) and coastal mixed chaparral in southern California.

Dry forest on main islands of Hawaii.

All types of native habitats in the lower delta of the Rio Grande River, Texas.

Tallgrass prairie (all types combined).

Native shrub and grassland steppe in Oregon and in Washington.

Low elevation grasslands in Montana.

Gulf Coast pitcher plant (*Sarracenia* spp.) bogs.

Upland hardwoods in the Coastal Plain of Tennessee.

Pocosins (evergreen shrub bogs) and ultramafic soligenous wetlands in Virginia.

Mountain bogs (southern Appalachian bogs and swamp forest-bog complex) in Tennessee and in North Carolina.

Upland wetlands on the Highland Rim of Tennessee.

Saline wetlands in eastern Nebraska.

Wetlands (all types combined) in south-central California, Illinois, Indiana, Iowa, Missouri, Nebraska, and Ohio.

Marshes in the Carson-Truckee area of western Nevada.

Low-elevation wetlands in Idaho.

CP25 Rare and Declining Habitat (Continued)

L Approved Critically Endangered and Endangered Ecosystems (Continued)

Woody hardwood draws, glacial pothole ponds, and peatlands in Montana.

Vernal pools in the Central Valley and in southern California.

Marshes in the Coos Bay area of Oregon.

Freshwater marsh and coastal salt marsh in Southern California.

Seasonal wetlands of the San Francisco Bay, California.

Large streams and rivers in all major regions.

Aquatic mussel (Unionidae) beds in Tennessee.

Submersed aquatic vegetation in the Chesapeake Bay, in Maryland, and in Virginia.

Mangrove swamps and salt marsh along the Indian River lagoon, Florida.

Seagrass meadows in Galveston Bay, Texas.

CP25 Rare and Declining Habitat (Continued)

L Approved Critically Endangered and Endangered Ecosystems (Continued)

Threatened (70 - 84 Percent Decline)

Nationwide riparian forests (other than in already listed regions), including southern bottomland hardwood forests.

Xeric habitats (scrub, scrubby flatwoods, sandhills) on the Lake Wales Ridge, Florida.

Tropical hardwood hammocks on the central Florida keys.

Northern hardwood forest, aspen (*Populus* spp.) parkland, and jack pine (*Pinus banksiana*) forests in Minnesota.

Saline prairie, western upland longleaf pine forest, live oak-pine-magnolia (*Quercus virginiana-Pinus* spp.-*Magnolia* spp.) forest, western xeric sandhill woodland, slash pine-pond baldcypress-hardwood (*Pinus elliottii-Taxodium ascendens*) forest, wet and mesic spruce-pine (P. glabra)-hardwood flatwoods, wet mixed hardwood-loblolly pine (*Pinus taeda*) flatwoods, and flatwoods ponds in Louisiana.

Alvar grassland, calcareous pavement barrens, dwarf pine ridges, mountain spruce-fir forest, inland Atlantic whitecedar swamp, freshwater tidal swamp, inland salt marsh, patterned peatland, perched bog, pitch pine-blueberry (*Pinus rigida-Vaccinium* spp.) peat swamp, coastal plain poor fens, rich graminiod fen, rich slopping fen, and riverside ice meadow in New York.

Maritime-like forests in the Clearwater Basin of Idaho.

Woodland and chaparral on Santa Catalina Island.

Southern tamarack (*Larix laricina*) swamp in Michigan.

Wetlands (all kinds) in Arkansas, Connecticut, Kentucky, and Maryland.

Marshes in the Puget Sound region, Washington.

Cienegas (marshes) in Arizona.

Coastal wetlands in California.

CP27 Farmable Wetlands Pilot Wetland

A Purpose

The purpose of this practice is to restore the functions and values of wetlands that have been devoted to agricultural use. Hydrology and vegetation **must** be restored to the maximum extent possible, as determined by USDA.

B Program Policy

Apply this practice to eligible wetlands that are suitably located and adapted to the restoration of wetland functions and values. The restoration of the wetland hydrology and vegetation is required to the maximum extent possible.

For cropland to be eligible to be enrolled in CRP under FWP and be devoted to CP27, all of the following **must** be met:

- COC determines both of the following:
    - cropland meets cropping history requirements
    - an associated buffer (CP28) is offered

*** * ***

CP27 Farmable Wetlands Pilot Wetland (Continued)

C Size Requirements

The maximum acceptable size of any 1 CP27 is 40 acres. Wetlands greater than 40 acres in size are not eligible for enrollment in CRP under FWP.

Note: The total of all wetlands may exceed 40 acres.

Example: A producer offers a 41 acre wetland. Because the total wetland is greater than 40 acres in size, the entire 40 acre wetland is ineligible for enrollment in CRP under FWP.

D C/S Eligibility

To be eligible for C/S, this practice shall:

- only be enrolled under FWP
- only be enrolled with an eligible associated buffer (CP28)
- meet the cropping history requirements
- be included in the approved conservation plan
- be maintained for the life of CRP-1
- restore the functional capability and values of the wetland.

E Authorized Payment

Payments, including annual rental, CRP-SIP, PIP, 20 percent SRR incentive, and C/S are authorized for CP27.

CP27 Farmable Wetlands Pilot Wetland (Continued)

F C/S Policy

The following shows C/S policies for this practice.

IF the component is...	AND the justification is...	THEN C/S is...
earthmoving	to construct dams, levees, dugouts, or dikes needed to develop or restore the hydrology of the site	authorized using technical practice codes 327, 338, 340, 512, 550, 587, 612, 638, 644, 645, 657, 658, and 659.
eligible seed and seeding	for soils that are developed under a wetland ecosystem and substantiated as needed by COC for: • establishing permanent native grass • establishing permanent introduced grasses, forbs, and legumes, trees, and native shrub species, where determined necessary to restore the functions and values of the wetland • planting annuals as a nurse crop to prevent erosion while permanent cover is becoming established	
seedbed preparation	substantiated as needed by COC, not including clearing rocks or other obstructions from the area to be seeded	authorized.
***--**breaking tile	restore natural water flow**--***	
structures, such as pipe, chutes, and outlets	to regulate flow necessary to install an effective practice, as determined by NRCS	
temporary cover	• required in the practice specifications • needed until the required seeds or plant stock is available • needed because the normal planting period for the permanent cover crop has passed • that a soil condition, such as chemical residue, will not allow establishment of the permanent cover immediately	

CP27 Farmable Wetlands Pilot Wetland (Continued)

F C/S Policy (Continued)

If the component is...	And the justification is...	Then C/S is...
herbicides, pesticides, and insecticides	specified as necessary in the approved conservation plan to establish the cover, but not for use as part of the maintenance of the cover	authorized
mineral or nutrient	substantiated as needed by COC to establish the approved cover	
tree shelters, netting, plastic tubes, or other animal control devices	approved by STC for the area and substantiated as needed by technician and COC to prevent damage from wildlife browsing **Note:** STC **must** designate areas where using such measures is warranted and cost-effective to protect seedlings.	authorized not to exceed an average cost, as determined by STC.
fencing or roads		not authorized.
clearing rocks or other obstructions from the area to be seeded		
clean tilling of firebreaks, fuelbreaks, or firelines		
tree or grass species	establishment for ornamental purposes	
herbicides, pesticides, and insecticides	to maintain cover	
mineral or nutrient	to maintain cover or enhance production	

CP27 Farmable Wetlands Pilot Wetland (Continued)

G Practice Requirements

In addition to the practice standards in NRCS FOTG, the following requirements apply.

- The seeded area shall not be harvested or grazed by domestic livestock for the life of CRP-1.
- Limit C/S to the minimum work and materials necessary to develop or restore the wetland hydrology, and establish an adequate cover to improve environmental benefits.
- The wetland shall be restored to the extent identified according to subparagraph B.
- Chemicals used in establishing the practice **must** be:
  - Federally, State, and locally registered
  - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.
- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding lands.
- The practice **must** be established and maintained according to the practice standards in FOTG.
- The hydrology of the wetland **must** be maintained according to the operation and maintenance requirements for the practice standard.

H Planting Timespan

Planting or sowing of the approved permanent cover shall be completed within 12 months of the effective date of CRP-1. See 2-CRP, paragraph 426 for exceptions.

I Environmental Concerns

Consideration of water quality, wildlife, and other environmental concerns are to be evaluated in the planning and establishment of this practice.

CP27 Farmable Wetlands Pilot Wetland (Continued)

J Practice Maintenance

The practice shall be maintained without additional C/S for the life of CRP-1 according to the practice standards in FOTG.

C/S shall be refunded if any of the following apply:

- producer destroys the practice during the life of CRP-1
- producer fails to maintain the cover during the life of CRP-1
- the cover fails to provide adequate protection of water quality during the life of CRP-1, unless the failure is caused by circumstances beyond the producer's control.

K Associated Practice

This practice is only authorized with the associated practice CP28, Farmable Wetland Pilot Buffer, to ensure that the functions and values of the wetland are maintained for the length of the contract.

L Technical Responsibility

NRCS or TSP shall have the technical responsibility for this practice, except in those areas established to trees, the Forest Service or State Forestry Agency shall have the technical responsibility.

M Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

CP28 Farmable Wetlands Pilot Buffer

A Purpose

Te purpose of this practice is to provide a vegetative buffer around wetlands (CP27) to remove sediment, nutrients, and pollutants from impacting the wetland and to provide wildlife habitat for the associated wetland.

B Program Policy

For cropland to be eligible to be enrolled in CRP under FWP and to be devoted to CP28, COC **must** determine both of the following:

- cropland meets cropping history requirements
- the cropland offered is adjacent to an eligible wetland (CP27).

CP28 is not eligible to be enrolled without CP27.

C Size Requirements

The maximum size of any associated buffer (CP28) enrolled in CRP under FWP is 4 times the size of the wetland. STC's may determine a buffer ratio less than 4:1, consistent with program purposes and with State Technical Committee concurrence.

Note: The total acreage of each associated buffer must **not** exceed the size limitation.

Example: A producer offers a 3 acre eligible wetland (CP27) for enrollment in CRP under FWP. NRCS or TSP determines that the associated buffer (CP28) necessary to protect the wetland is 6 acres (2 to 1 ratio). CP27 and CP28 are both eligible for enrollment in CRP under FWP provided all other eligibility requirements are met.

D C/S Eligibility

To be eligible for C/S, this practice shall:

- be enrolled under FWP
- be enrolled with the associated CP27 practice
- be required by the approved conservation plan
- meet the cropping history requirements
- improve environmental benefits to an acceptable level
- be maintained for the life of CRP-1
- prevent degradation of environmental benefits from recurring
- maintain and enhance the functions and values of the wetland system.

CP28 Farmable Wetlands Pilot Buffer (Continued)

E C/S Policy

The following table provides C/S policies for this practice.

IF the component is...	AND the justification is...	THEN C/S is...
eligible seed	for soils that are developed under a grassland ecosystem that will not be covered by water anytime during a normal growing season and substantiated as needed by COC for: • establishing permanent native grass species • establishing permanent introduced grasses, legumes, and native shrub species, where determined necessary to improve wildlife habitat • planting annuals as a nurse crop to prevent erosion while permanent cover is becoming established	authorized using technical practice codes ***--**314, 315, 327, 382, 386, 390, 391, 393, 410, 516, 574, 614, 642,**--*** and 645.
eligible seeding	for soils that are developed under a woodland ecosystem, except in areas that will be covered by water during no less than 60 calendar days of the normal growing season, and substantiated as needed by COC for: • establishing hard mast-producing hardwoods adapted for living in wet conditions that will provide multi-purpose forest and wildlife benefits • establishing permanent introduced grasses, legumes, and native shrub species, where determined necessary to improve wildlife habitat • planting annual grasses, legumes, perennial native grass species, and softwoods, not to exceed 50 percent of the total number of trees planted, to serve as a nurse crop to prevent erosion while permanent cover is becoming established	
seedbed preparation	substantiated as needed by COC, not including clearing rocks or other obstructions from the area to be seeded	

CP28 Farmable Wetlands Pilot Buffer (Continued)

E C/S Policy (Continued)

IF the component is...	AND the justification is...	THEN C/S is...
temporary cover	• required in the practice specifications • needed until the required seeds or plant stock is available • needed because the normal planting period for the permanent cover crop has passed • that a soil condition, such as chemical residue, will not allow establishment of the permanent cover immediately	authorized.
herbicides, pesticides, and insecticides	specified as necessary in the approved conservation plan to establish the cover, but not for use as part of the maintenance of the cover	
mineral or nutrient	substantiated as needed by COC to establish the approved cover	
grading, leveling, and filling	to control concentrated flow and site preparation. **Important:** Grading, leveling, and filling does not include shaping or manipulation of the streambank.	
tree shelters, netting, plastic tubes, or other animal control devices	approved by STC for the area and substantiated as needed by technician and COC to prevent damage from wildlife browsing **Note:** STC **must** designate areas where using such measures is warranted and cost-effective to protect seedlings.	authorized not to exceed an average cost, as determined by STC.
herbicide, pesticides, and insecticides	to maintain vegetative cover	not authorized.
clearing rocks or other obstructions from the area to be seeded		
streambank stabilization		
mineral or nutrient	to maintain cover or enhance production	

CP28 Farmable Wetlands Pilot Buffer (Continued)

F Practice Requirements

In addition to the practice standards in NRCS FOTG, the following requirements apply.

- The seeded area shall not be harvested or grazed by domestic livestock for the life of CRP-1.
- Limit C/S to the minimum work and materials necessary to establish an adequate cover to improve environmental benefits.
- Practice shall reduce nutrients, sediment, organic matter, pesticides, and other pollutants that are being delivered to the associated wetland CP27, *** * *** and CP41.
- Chemicals used in establishing the practice **must** be:
  - Federally, State, and locally registered
  - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.
- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding lands.
- The practice **must** be established and maintained according to the practice standards in FOTG.

G Planting Timespan

Planting or sowing of the approved permanent cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 426 for exceptions.

H Environmental Concerns

Consideration of water quality, wildlife, and other environmental concerns are to be evaluated in the planning and establishment of this practice.

CP28 Farmable Wetlands Pilot Buffer (Continued)

I Practice Maintenance

The practice shall be maintained without additional C/S for the life of CRP-1 according to the practice standards in FOTG.

C/S shall be refunded if any of the following apply:

- producer destroys the practice during the life of CRP-1
- producer fails to maintain the cover during the life of CRP-1
- the cover fails to provide adequate protection of water quality during the life of CRP-1, unless the failure is caused by circumstances beyond the producer's control.

J Associated Practice

This practice is only authorized with the associated practice CP27, *** * *** FWP Constructed Wetland, and CP41, FWP Flooded Prairie Wetland, to ensure that the functions and values of the wetland are maintained for the length of the contract.

K Technical Responsibility

NRCS or TSP shall have the technical responsibility for this practice.

L Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

CP29 Marginal Pastureland Wildlife Habitat Buffer

A Purpose

The purpose of this practice is to remove nutrients, sediment, organic matter, pesticides, and other pollutants from surface runoff and subsurface flow by deposition, absorption, plant uptake, denitrification, and other processes, and thereby reduce pollution and protect surface water and subsurface water quality while enhancing the ecosystem of the water body. By restoring native plant communities, characteristics for the site will assist in stabilizing stream banks, reducing flood damage impacts, and restoring and enhancing wildlife habitat.

B Program Policy

For marginal pastureland to be eligible to be enrolled in CRP to be devoted to CP29, both of the following **must** be met:

- COC determines all of the following:
  - all marginal pastureland eligibility requirements in subparagraph 181 C are met
  - the natural vegetation for the site is primarily a mix of grasses, shrubs, and forbs

    Note: The practice will enhance the primarily grass, shrub, and forb community and provide water quality improvement and wildlife habitat benefits.
  - the marginal pastureland offered is immediately adjacent and parallel to 1 of the following:
    - stream having perennial flow

CP29 Marginal Pastureland Wildlife Habitat Buffer (Continued)

B Program Policy (Continued)

- seasonal stream

  Important: USGS maps shall **not** be solely used to determine seasonal streams. A seasonal stream is a stream that contains water for only part of the year but more than just during and/or after rainfall or snowmelt. Seasonal streams do **not** include:

  - wetlands of any type
  - land devoted to CP9
  - terrace channels
  - grass or sod waterways
  - gullies
  - narrow or wide wash
  - roadside ditches
  - well, spring, or seep
  - marsh or swamp
  - center pivot irrigation corners
  - irrigation canals
  - tail water recovery pit/system.

  Note: See paragraph 181 for more information about seasonal and perennial streams.

- sinkholes and karst areas

- other **permanent** water bodies, such as lakes and ponds if **both** of the following are met:

  - provides water cover **throughout the year in all years**
  - flows from the water body off the farm.

  Exception: A pond that is less than 5.0 acres and does **not** flow from the water body off the farm is **not** eligible to be enrolled in CP29.

  Note: Water bodies that do **not** provide **permanent water cover throughout the year in all years** are **not** eligible.

CP29 Marginal Pastureland Wildlife Habitat Buffer (Continued)

B Program Policy (Continued)

- NRCS or TSP determines, based on a site visit, all of the following:

  - the marginal pastureland is suitable to be devoted to a wildlife habitat buffer

    Note: Marginal pastureland to be devoted to trees should be enrolled as CP22.

  - the wildlife habitat buffer is needed and feasible to solve the resource concern

  - the marginal pastureland is capable, after the wildlife habitat buffer is established, of substantially reducing pollutants in the nearby eligible stream or other water body.

CP29's are not eligible to be used in conjunction with the following practices:

- CP22, because, if needed, CP22's include a grass buffer

- CP23, because acreage devoted to CP23 may include up to a 3 to 1 ratio of uplands to ensure that the functions and values of the cropped wetland are restored

- CP23A, because acreage devoted to CP23A may include up to a 4 to 1 ratio of uplands to ensure that the functions and values of the cropped wetland are restored

- CP30

- CP9, because acreage devoted to CP9 **must** include an adequate buffer to protect the shallow water area.

C Size Requirements

The minimum acceptable width of a wildlife habitat buffer is 20 feet. A wetland habitat buffer may be applied up to a maximum average width of 120 feet, if needed to accomplish the purpose of the practice.

Note: The maximum average width of wildlife habitat buffers established for any purpose other than protection and enhancement of water quality, shall not exceed 120 feet.

CP29 Marginal Pastureland Wildlife Habitat Buffer (Continued)

C Size Requirements (Continued)

When the minimum design specification for water quality exceeds 120 feet, the minimum design specification is the maximum average width that may be enrolled. NRCS or TSP **must** document the need for a minimum design specification in excess of 120 feet in writing.

Note: NRCS or TSP will determine the documentation needed to support an additional average width for water quality purposes consistent with FOTG standards. The documentation **must** be in the case file.

Example: Producer offers to enroll land to be devoted to a 120 foot wide wildlife habitat buffer to protect the adjacent eligible stream. Based on the soils, slope, and other site conditions, NRCS or TSP documents that to address the water quality resource problem and to function properly, the wildlife habitat buffer **must** be a minimum of 145 feet in width. Because the purpose of the wildlife habitat buffer is the protection and enhancement of water quality, the minimum of width 145 feet may be enrolled. The 145 foot minimum width is the maximum acreage that may be enrolled.

The wildlife habitat buffer shall begin at the top of the stream bank. In some cases there may be land that is adjacent to the stream that does **not** meet the eligibility criteria to be enrolled in CRP. **This land shall not be enrolled in CRP**. However, if the eligible land is enrolled in CRP as a wildlife habitat buffer, the ineligible land **shall be** included:

- in the area used as a wildlife habitat buffer
- in the conservation plan
- when determining the width of the wildlife habitat buffer.

A wildlife habitat buffer adjacent to a stream that includes land **not** enrolled in CRP. The first 15 feet adjacent to the stream (starting at the top of the stream bank) does **not** meet the eligibility criteria to be enrolled in CRP.

The wildlife habitat buffer is 100 feet wide. Only the eligible land (85 feet width) is enrolled in CRP. The conservation plan is for the entire wildlife habitat buffer (100 feet). The producer is responsible for maintaining the entire practice (100 feet) according to the plan. Failure to maintain the entire 100 feet may result in CRP payment reductions or termination.

CP29 Marginal Pastureland Wildlife Habitat Buffer (Continued)

D C/S Eligibility

To be eligible for C/S, this practice shall:

- be required by the approved conservation plan
- meet the marginal pastureland criteria
- improve environmental benefits to an acceptable level
- reduce additional sediment or pollutants that are being delivered to areas identified in subparagraph B
- be maintained for the contract payment period
- prevent degradation of environmental benefits from recurring.

E C/S Policy

The following contains C/S policies for this practice.

IF the component is...	AND the justification is...	THEN C/S is...
mineral or nutrient	substantiated as needed by COC	authorized using technical practices ***--**314, 315, 338, 382, 386, 390, 512, 516, 550, 574, 578, 612, 614, and**--*** 645.
site preparation		
eligible seed and seeding	**Note:** The requirements for this practice, including eligible seed mixtures, nutrients, and minerals **must** be specified in the practice specification as designated by the designated technician.	
herbicide	specified as necessary in the approved conservation plan	
insecticide		

CP29 Marginal Pastureland Wildlife Habitat Buffer (Continued)

E C/S Policy (Continued)

IF the component is...	AND the justification is...	THEN C/S is...
temporary cover	required in the practice specification needed until required seed or plant stock is available needed because normal planting period for the species has passed that a soil condition, like chemical residue, will not allow establishment of the cover immediately	authorized.
pipelines and watering facilities constructed outside of the wildlife habitat buffer	providing a water source for livestock away from the wildlife habitat buffer and the adjacent stream or water body **Note:** See paragraph 511.	
fencing	permanent fencing needed to exclude livestock from the buffer strip **Note:** See paragraph 511. **Important:** A single strand electric fence shall not be considered a permanent fence for CRP.	
water gaps, bridges, or other livestock crossing facilities on small streams	specified as necessary to prevent sedimentation and pollution in the stream and included in the conservation plan. **Note:** See paragraph 511 I.	authorized using technical practice code 578 for livestock crossing only.
construction of structures where concentrated flow continues to degrade water quality	to meet the requirements of the conservation plan	authorized.

CP29 Marginal Pastureland Wildlife Habitat Buffer (Continued)

E C/S Policy (Continued)

IF the component is...	AND the justification is...	THEN C/S is...
herbicide	to maintain vegetative cover	not authorized.
insecticide		
clearing rocks or other obstructions from the area to be seeded		
stream bank stabilization		
mineral or nutrient	to enhance production	

F Practice Requirements

In addition to the practice standards in NRCS FOTG, the following requirements apply.

- Limit C/S to the minimum minerals and seed necessary to establish an adequate cover to improve environmental benefits.

- Practice shall reduce nutrients, sediment, organic matter, pesticides, and other pollutants that are being delivered to the areas identified in subparagraph B.

- Chemicals used in performing the practice **must** be:

  - Federally, State, and locally registered

  - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

CP29 Marginal Pastureland Wildlife Habitat Buffer (Continued)

F Practice Requirements (Continued)

- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding land.

- The wildlife habitat buffer **must** be established and maintained according to the practice standards in FOTG.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

G Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 426 for exceptions.

H Environmental Concerns

Consideration of wildlife habitat, water quality and quantity, and other environmental concerns are to be evaluated in the planning and establishment of the protective measure.

I Practice Maintenance

This practice shall be maintained without additional C/S for the life of CRP-1 according to the practice standards in FOTG.

C/S shall be refunded if either of the following applies:

- the producer destroys the practice during the contract period

- the cover fails to provide adequate protection of water quality during the practice lifespan, unless the failure is caused by circumstances beyond the producer's control.

CP29 Marginal Pastureland Wildlife Habitat Buffer (Continued)

J Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

K Technical Responsibility

NRCS or TSP shall have technical responsibility for this practice.

CP30 Marginal Pastureland Wetland Buffer

A Purpose

The purpose of this practice is to remove nutrients, sediment, organic matter, pesticides, and other pollutants from surface runoff and subsurface flow by deposition, absorption, plant uptake, denitrification, and other processes, and thereby reduce pollution and protect surface water and subsurface water quality while enhancing the ecosystem of the water body. The practice will enhance and/or restore hydrology and plant communities associated with existing or degraded wetland complexes. The goal is to enhance water quality, reduce nutrient and pollutant levels, and improve wildlife habitat.

B Program Policy

For marginal pastureland to be eligible to be enrolled in CRP to be devoted to CP30, both of the following **must** be met:

- COC determines both of the following:
  - all marginal pastureland eligibility requirements in subparagraph 181 C are met
  - the marginal pastureland offered is immediately adjacent and parallel to 1 of the following:
    - stream having perennial flow
    - seasonal stream

      Important: USGS maps shall **not** be solely used to determine seasonal streams. A seasonal stream is a stream that contains water for only part of the year but more than just during and/or after rainfall or snowmelt. Seasonal streams do **not** include:

      - wetlands of any type
      - land devoted to CP9
      - terrace channels
      - grass or sod waterways
      - gullies
      - narrow or wide wash
      - roadside ditches

CP30 Marginal Pastureland Wetland Buffer (Continued)

B Program Policy (Continued)

- well, spring, or seep
- marsh or swamp
- center pivot irrigation corners
- irrigation canals
- tail water recovery pit/system.

Note: See paragraph 181 for more information about seasonal and perennial streams.

- sinkholes and karst areas

- wetlands with water areas capable of reducing damages by sedimentation and associated pollutants that meet 1 of the following:

  - Permanently Flooded - water covers the land surface throughout the year in all years

  - Intermittently Exposed - surface water is present throughout the year except in years of **extreme** drought

  - Semipermanently Flooded - surface water is present throughout the growing season in most years

    Note: When surface water is absent, the water table is at or very near the land surface.

  - Seasonally Flooded - surface water is present for extended periods of not less than 21 calendar days especially early in the growing season, but is absent by the end of the growing season in most years

    Note: When surface water is absent, the water table is at or very near the land surface.

CP30 Marginal Pastureland Wetland Buffer (Continued)

B Program Policy (Continued)

- other **permanent** water bodies, such as lakes and ponds if **both** of the following are met:

  - provides water cover **throughout the year in all years**
  - flows from the water body off the farm.

  Exception: A pond that is less than 5.0 acres and does **not** flow from the water body off the farm is **not** eligible to be enrolled in CP30.

  Note: Water bodies that do **not** provide **permanent water cover throughout the year in all years** are **not** eligible.

- NRCS or TSP determines, based on a site visit, all of the following:

  - the marginal pastureland is suitable to be devoted to a wetland buffer

  - the wetland buffer is needed and feasible to solve the resource concern

  - the marginal pastureland is capable, after the wetland buffer is established, of substantially reducing pollutants in the nearby eligible stream or other water body.

CP30's are not eligible to be used in conjunction with the following practices:

- CP22, because, if needed, CP22's include a grass buffer

- CP23, because acreage devoted to CP23 may include up to a 3 to 1 ratio of uplands to ensure the functions and values of the cropped wetland are restored

- CP23A, because acreage devoted to CRP23A may include up to a 4 to 1 ration of uplands to ensure the functions and values of the cropped wetland are restored

- CP9, because acreage devoted to CP9 **must** include an adequate buffer to protect the shallow water area

- CP29.

CP30 Marginal Pastureland Wetland Buffer (Continued)

C Size Requirements

The minimum acceptable width of a wetland buffer is 20 feet. A wetland buffer may be applied up to a maximum average width of 120 feet, if needed to accomplish the purpose of the practice.

Note: The maximum average width of wetland buffers established for any purpose other than protection and enhancement of water quality, shall not exceed 120 feet.

--Exception:** Expiring CRP acres previously enrolled into CRP under the WBP eligibility criteria may exceed the 120 foot maximum size requirement.**--

When the minimum design specification for water quality exceeds 120 feet, the minimum design specification is the maximum average width that may be enrolled. NRCS or TSP **must** document the need for a minimum design specification in excess of 120 feet in writing.

Note: NRCS or TSP will determine the documentation needed to support an additional average width for water quality purposes consistent with FOTG standards. The documentation **must** be in the case file.

Example: Producer offers to enroll land to be devoted to a 120 foot wide wetland buffer to protect the adjacent eligible stream. Based on the soils, slope, and other site conditions, NRCS or TSP documents that to address the water quality resource problem and to function properly, the wetland buffer **must** be a minimum of 145 feet in width. Because the purpose of the wetland buffer is the protection and enhancement of water quality, the minimum of width 145 feet may be enrolled. The 145 foot minimum width is the maximum acreage that may be enrolled.

The wetland buffer shall begin at the top of the stream bank. In some cases there may be land that is adjacent to the stream that does **not** meet the eligibility criteria to be enrolled in CRP. **This land shall not be enrolled in CRP**. However, if the eligible land is enrolled in CRP as a wetland buffer, the ineligible land **shall be** included:

- in the area used as a wetland buffer
- in the conservation plan
- when determining the width of the wetland buffer.

A wetland buffer adjacent to a stream that includes land **not** enrolled in CRP. The first 15 feet adjacent to the stream (starting at the top of the stream bank) does **not** meet the eligibility criteria to be enrolled in CRP.

The wetland buffer is 100 feet wide. Only the eligible land (85 feet width) is enrolled in CRP. The conservation plan is for the entire wetland buffer (100 feet). The producer is responsible for maintaining the entire practice (100 feet) according to the plan. Failure to maintain the entire 100 feet may result in CRP payment reductions or termination.

CP30 Marginal Pastureland Wetland Buffer (Continued)

D C/S Eligibility

To be eligible for C/S, this practice shall:

- be required by the approved conservation plan
- meet the marginal pastureland eligibility criteria
- improve environmental benefits to an acceptable level
- reduce additional sediment or pollutants that are being delivered to areas identified in subparagraph B
- be maintained for the contract payment period
- prevent degradation of environmental benefits from recurring.

E C/S Policy

The following contains C/S policies for this practice.

IF the component is...	AND the justification is...	THEN C/S is...
mineral or nutrient	substantiated as needed by COC **Note:** The requirements for this practice, including eligible seed mixtures, nutrients, and minerals **must** be specified in the practice specification as designated by the designated technician.	authorized using technical practice ***--**codes 314, 315, 338, 342, 382, 386, 390, 512, 516, 550, 574, 578, 612,**--*** 614, 644, 645, 647, 657, and 658.
site preparation		
eligible seed and seeding		
herbicide	specified as necessary in the approved conservation plan	
insecticide		
earthmoving	to restore the hydrology of the site	

CP30 Marginal Pastureland Wetland Buffer (Continued)

E C/S Policy (Continued)

IF the component is...	AND the justification is...	THEN C/S is...
temporary cover	• required in the practice specification • needed until required seed or plant stock is available • needed because normal planting period for the species has passed • that a soil condition, like chemical residue, will not allow establishment of the cover immediately	authorized.
pipelines and watering facilities constructed outside of the wetland buffer	providing a water source for livestock away from the wetland buffer and the adjacent stream or water body **Note:** See paragraph 511.	
fencing	permanent fencing needed to exclude livestock from the buffer strip **Note:** See paragraph 511. **Important:** A single strand electric fence shall not be considered a permanent fence for CRP.	
water gaps, bridges, or other livestock crossing facilities on small streams	specified as necessary to prevent sedimentation and pollution in the stream and included in the conservation plan. **Note:** See paragraph 511 I.	
construction of structures where concentrated flow continues to degrade water quality	to meet the requirements of the conservation plan	
tree shelters, netting, plastic tubes, or other animal control devices	approved by STC for the area and substantiated as needed by designated technician and COC to prevent damage from wildlife browsing.	authorized not to exceed an average cost determined by STC.

CP30 Marginal Pastureland Wetland Buffer (Continued)

E C/S Policy (Continued)

IF the component is...	AND the justification is...	THEN C/S is...
herbicide	to maintain vegetative cover	not authorized.
insecticide		
clearing rocks or other obstructions from the area to be seeded		
stream bank stabilization		
mineral or nutrient	to enhance production	

F Practice Requirements

In addition to the practice standards in NRCS FOTG, the following requirements apply.

- Limit C/S to the minimum minerals and seed necessary to establish an adequate cover to improve environmental benefits.

- Practice shall reduce nutrients, sediment, organic matter, pesticides, and other pollutants that are being delivered to the areas identified in subparagraph B.

- Chemicals used in performing the practice **must** be:

  - Federally, State, and locally registered

  - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding land.

- The wetland buffer **must** be established and maintained according to the practice standards in FOTG.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

CP30 Marginal Pastureland Wetland Buffer (Continued)

G Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 426 for exceptions.

H Environmental Concerns

Consideration of wildlife habitat, water quality and quantity, and other environmental concerns are to be evaluated in the planning and establishment of the protective measure.

I Practice Maintenance

This practice shall be maintained without additional C/S for the life of CRP-1 according to the practice standards in FOTG.

C/S shall be refunded if either of the following applies:

- the producer destroys the practice during the contract period
- the cover fails to provide adequate protection of water quality during the practice lifespan, unless the failure is caused by circumstances beyond the producer's control.

J Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

K Technical Responsibility

NRCS shall have technical responsibility for this practice.

CP31 Bottomland Timber Establishment on Wetlands

A Purpose

The purpose of this practice is to establish and provide for the long-term viability of a bottomland hardwood stand of trees that will:

- control sheet, rill, scour, and other erosion
- reduce water, air, or land pollution
- restore and enhance the natural and beneficial functions of wetlands
- promote carbon sequestration
- restore and connect wildlife habitat.

B Program Policy

Apply this practice to eligible lands suitable for growing bottomland hardwood trees or adapted shrubs that will provide multipurpose forest and wildlife benefits.

Note: Cottonwoods may be planted to enhance the viability of other hardwood trees (oaks, etc.)

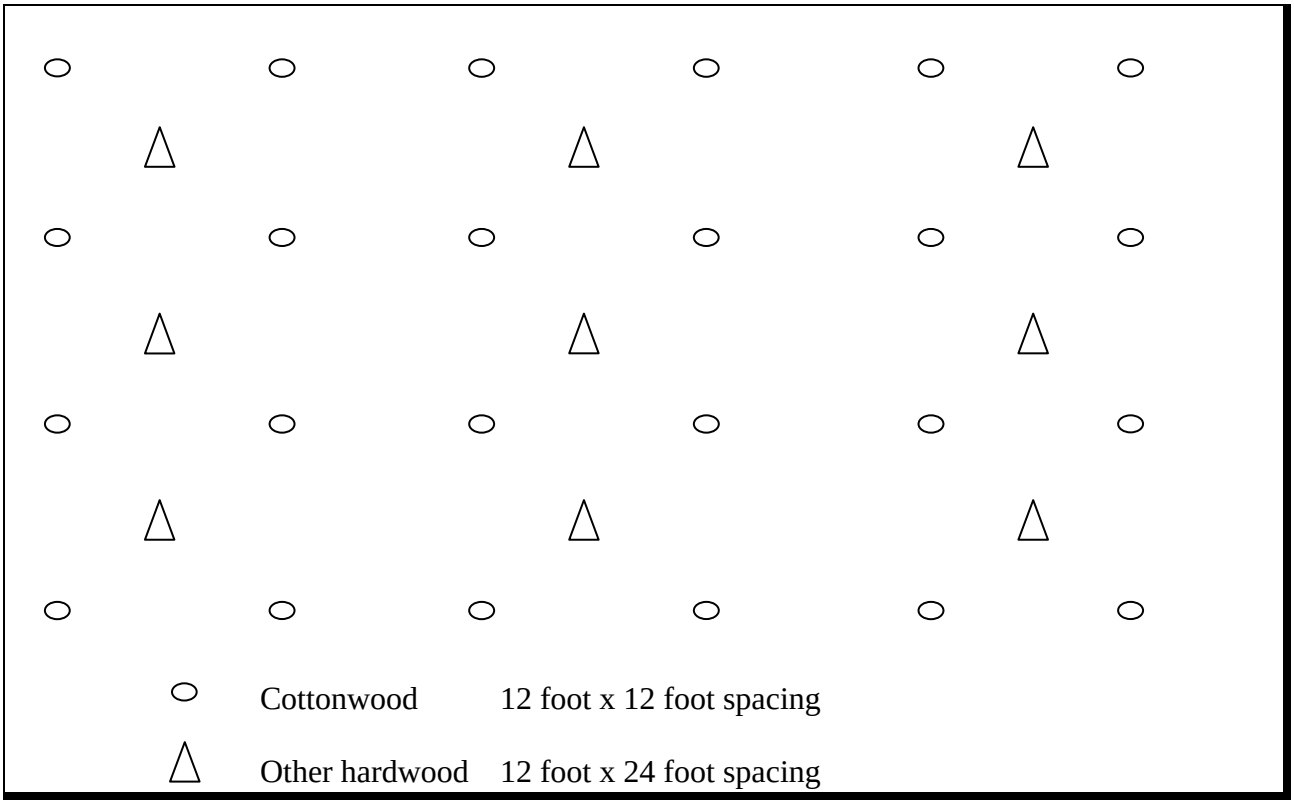
Selection of cottonwood as a component **must** be silviculturally and ecologically appropriate for the long-term health and production of the stand. Hydrologic and soil characteristics **must** be appropriate for the planting of cottonwood species.

Example: Participant A enrolls 100 acres as CP31 who, working with a State Forester, selects cottonwood and 3 other silviculturally appropriate hardwood species. The cottonwoods are planted on 12’ x 12’ spacing and the other hardwoods are planted on 12’ x 24’ spacing. The plan calls for weed and insect control during year 1 and cottonwood thinning during year 15. The cottonwood serves as a nurse crop for the other hardwood species in the neighboring rows. In year 2, Participant A may be eligible to enter into an agreement with a carbon company where Participant A sells greenhouse gas credits provided the terms and conditions of the CRP contract are not impacted. This agreement is solely between Participant A and the carbon company.

CP31 Bottomland Timber Establishment on Wetlands (Continued)

B Program Policy (Continued)

The following diagram illustrates a typical cottonwood/other hardwood planting.



CP31 Bottomland Timber Establishment on Wetlands (Continued)

C Eligibility

To be eligible for C/S, this practice shall:

- do either of the following:
  - reduce excessive erosion to an acceptable level and increase sediment trapping efficiencies
  - improve surface or ground water quality
- reduce scour, gully, stream bank, sheet, or rill erosion
- prevent excessive erosion from occurring
- enhance food and cover for wildlife
- be maintained for the life of CRP-1
- be included in the approved conservation plan
- be within the recognized 100-year flood plain for a river or stream with permanent flow.

Note: A wetland designation, if needed, **must** be made by NRCS.

CP31 Bottomland Timber Establishment on Wetlands (Continued)

D C/S Policy

The following table provides C/S policies for this practice.

IF the component is…	**AND the justification is…**	**THEN C/S is…**
to establish a minimum of 3 different varieties of mast producing hardwood tree and shrub species **Notes:** The hardwood species may include cottonwoods planted between the rows of hardwood. The cotton woods serve as a nurse crop for the other hardwoods and may be thinned after year 9 of the CRP contract.	• to reduce erosion from wind or water • provide food and cover for waterfowl and other wildlife • improve surface or ground water quality	authorized using technical practice codes ***--**314, 315, 338, 340, 391, 394, 550, 587, 612, 643,**--*** 644, 657, 658, and 659.
to establish no more than 25 percent of the silviculturally appropriate softwood species, as determined by STC and determined appropriate by State Forester	to enhance 1 of the following: • wetland development • wildlife habitat • hardwood stand health and vigor	
temporary cover	• required in the practice specification • needed until required planting stock is available • needed because normal planting period for the species has passed • to establish a cover where a solid condition, such as chemical residue, will not immediately allow establishment of permanent cover	

CP31 Bottomland Timber Establishment on Wetlands (Continued)

D C/S Policy (Continued)

IF the component is…	AND the justification is…	THEN C/S is…
seeding firebreaks, fuelbreaks, or firelanes	to establish and maintain the cover according to State requirements	authorized using technical practice *****--codes 314, 315, 338, 340, 391, 394, 550, 587, 612,--***** 643, 644, 657, 658, and 659.
herbicides or insecticides	specified as necessary in the approved tree planting plan to establish the cover	
minerals or nutrients	substantiated as needed by COC to establish the approved cover	
tree shelters, netting, plastic tubes, or other animal control devices	approved by STC for the area and substantiated as needed by technician and COC to prevent damage from wildlife browsing **Note:** STC **must** designate areas where using such measures is warranted and cost-effective to protect seedlings.	authorized not to exceed an average cost, as determined by STC.
tree thinning		authorized using technical practice code 666.
clean tiling	for firebreaks, fuelbreaks, or firelanes	not authorized.
fencing		
roads		
annual food plots		
to establish a hardwood tree species	• for ornamental purposes • for Christmas trees • nursery tree production • production of commercial nuts, other than species customarily planted for forestry purposes	
herbicides or insecticides	to maintain the vegetative cover including trees	

CP31 Bottomland Timber Establishment on Wetlands (Continued)

E Requirements

The following are requirements for this practice:

- approval **must** be obtained from the State Forester and State Wildlife Agency certifying that planting of cottonwood as a nurse crop is appropriate for the State

- planting of cottonwood trees may only be for nurse trees in a pattern appropriate for that purpose

- plantings **must** be protected from destructive fire and from grazing by domestic livestock for the life of CRP-1.

- chemicals used in performing the practice **must** be:

  - Federally, State, and locally registered

  - applied according to authorized uses, directions on the label, and other Federal and State policies and requirements.

F Planting

Planting after CRP-1 is approved by COC shall be completed by the end of the next normal planting period, unless the producer can provide acceptable documentation that seed or tree stock is not available.

G Environmental Concerns

Consider preserving and improving the environment and wildlife concerns when making determinations about:

- types of plantings
- spacing
- water management structures
- other practice specifications.

CP31 Bottomland Timber Establishment on Wetlands (Continued)

H Practice Maintenance

The practice shall be maintained without additional C/S for the life of CRP-1.

Tree thinning or harvest of cottonwood species may be permitted after year 9 of the CRP contract appropriate for the stand as determined by the State Forester. C/S is authorized for tree thinning.

I Technical Responsibility

NRCS, State Forester, or TSP shall have technical responsibility for this practice. The State Forester has responsibility for determining if selection of a cottonwood species component is silviculturally appropriate.

J Practice Requirements

In addition to the practice standards in NRCS FOTG, the following requirements apply.

- The seeded area shall not be harvested or grazed by domestic livestock for the life of CRP-1.
- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding lands.
- The practice **must** be established and maintained according to the practice standards in FOTG.

K Planting Timespan

Planting or sowing of the approved permanent cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 426 for exceptions.

L Natural Regeneration

Natural regeneration by nuts or seed is not permitted under this practice.

M Management Activities

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

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CP33 Habitat Buffers for Upland Birds

A Purpose

The purpose of this practice is to provide food and cover for quail and upland birds in cropland areas. Secondary benefits may include reducing soil erosion from wind and water, increasing soil and water quality, protecting and enhancing the on-farm ecosystem.

Apply this practice around the field edges of eligible cropland that is suitably located and adaptable to the establishment of wildlife habitat for primarily quail and upland bird species. Upland habitat buffers will be allowed to re-vegetate by natural herbaceous succession, and/or will be established to adapted species of native, warm-season grass, legumes, wildflowers, forbs, and limited shrub and tree plantings, as specified according to an approved conservation plan. The conservation plan **must** be designed according to the NRCS FOTG.

B Total Acres Enrolled

--**Total acres enrolled shall not exceed 500,000 acres:**--

- nationwide
- for the practice.

Allocations of acreage by State shall **not** be exceeded.

*** * ***

CP33 Habitat Buffers for Upland Birds (Continued)

C Monitoring Plans

A monitoring and evaluation plan **must** be developed in consultation with the State Technical Committee, including FWS, State Fish and Game agencies, and other interested quail parties. The plan **must** provide the ability to establish baseline data on quail populations and estimate increased quail population and impact on other populations as a result of this practice, including the following:

- verification that suitable Northern Bobwhite quail cover is established
- verification that appropriate cover management practices are implemented on a timely basis
- States **must** control acreage within their allocation
- implementing a Statewide sampling process that will provide reliable estimates of the number of quail per acre (or some other appropriate measure):
    - before this practice is implemented (baseline)
    - resulting from the established CRP cover.

Monitoring and evaluation plans **must** be in place before signup for this practice may begin.

States are not authorized to enroll acres in this practice unless an approved monitoring plan is in place. A monitoring protocol developed by Dr. Wes Burger of Mississippi State University in collaboration with the Southeast Quail Working Group at the request of FSA is recommended. Other technically adequate plans are acceptable.

D Eligible Land

This practice is limited to the following:

- cropland otherwise eligible according to paragraph 151
- cropland around field edges suitable for quail and upland birds.

CP33 Habitat Buffers for Upland Birds (Continued)

E Size Requirements

The minimum average width of a quail and upland bird habitat buffer is 30 feet, with a maximum average width of 120 feet. Buffers will be established to the extent needed to support the targeted species, general resource needs, and participant objectives, but generally should be located around the entire perimeter of the field, or at a minimum, in areas where runoff enters or leaves the field. Within the minimum and maximum widths above, quail and upland bird habitat buffer widths should be designed to conform to minimum field application setback width for manure or chemicals established by State or local regulations.

CP33 buffers should be installed on the field edges (around the perimeter) of a cropped field. See Figure 1. Limitations include:

- travel lanes shall not be enrolled and **must** be wide enough to allow for normal access of farm machinery to the field

- buffers shall not be used as turn rows, roads, or for storage of crops or equipment

- whole fields shall not be enrolled:

  - fields less than 5 acres should not be enrolled in this practice
  - infeasible to farm does not apply to CP33

- alfalfa fields used for pasture or for hay and marginal pastureland do not qualify for enrollment

  Note: Alfalfa is considered a crop for CP33-purposes only if it is in a rotation according to paragraph 151.

- CP33 buffers shall not be ‘stacked’ with other CRP grass practices on the same land ownership unit.

CP33 Habitat Buffers for Upland Birds (Continued)

E Size Requirements (Continued)

- Center pivot 'corners' (See Figure 2, A and B) shall not be enrolled unless the corner is included as part of a buffer around the field perimeter.

Examples:

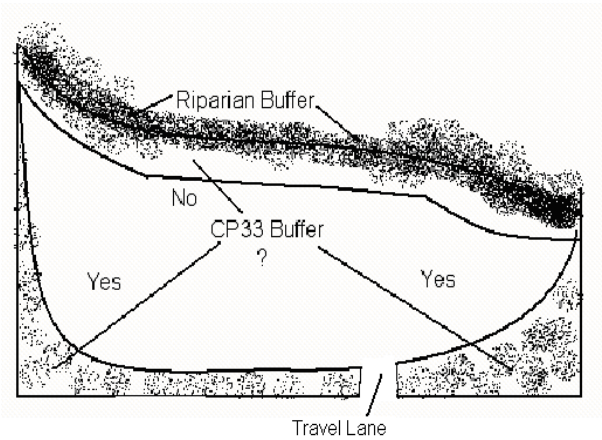


Figure 1

1. If a field already has a riparian buffer, this practice may be installed on the remaining sides of the field, but not adjacent to the established riparian buffer or other CRP practices.

2. If a field already has a native grass filter strip, this practice may be installed on the remaining sides of the field, but not adjacent to the established filter strip. If the existing practice is trees (windbreak, shelterbelt, hedgerow, or riparian buffer), this practice can be considered on a case-by-case basis.

If 2 or more of the corners are connected by a buffer along the edge of the field (See Figure 2, A and B) and if the buffer meets the dimensions set forth in the CP33 practice criteria, then center pivot corners may be enrolled as part of the CP33 buffer. The individual corners alone, however, may not be enrolled.

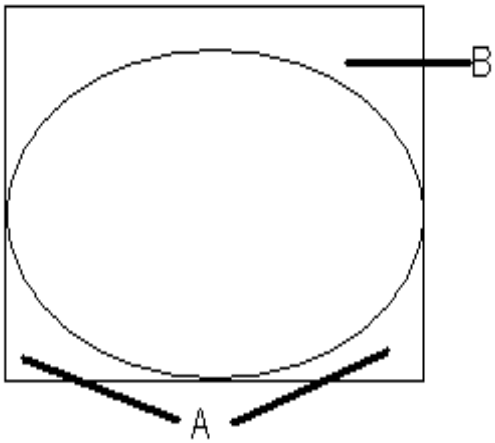


Figure 2

CP33 Habitat Buffers for Upland Birds (Continued)

F Eligibility

To be eligible for C/S, this practice shall:

- primarily improve, enhance, or create quail and upland bird habitat to an acceptable level
- prevent degradation of quail and upland bird habitat from recurring after establishment
- be maintained for the CRP-1 period
- be included in the approved conservation plan
- prevent degradation of environmental benefits from recurring after establishment.

G C/S Policy

The following contains C/S policies for this practice.

If the component is…	AND the justification is…	THEN C/S is…
temporary cover	• that a soil condition will not allow establishing a natural successional cover within 1 growing season • needed until selected seed or plant stock is available • needed because normal planting period for the species has passed	authorized using technical practice *****--codes 314, 315, 327, 338, 386, 390, 550, 645, and--***** 647.
grading, leveling, and filling	to control concentrated flow and site preparation **Important:** Grading, leveling, and filling does **not** include shaping or manipulation of a stream bank.	
site preparation	specified in the approved conservation plan	

CP33 Habitat Buffers for Upland Birds (Continued)

G C/S Policy (Continued)

If the component is…	AND the justification is…	THEN C/S is…
eligible seed or plant stock, including shrubs/trees. C/S for shrubs/trees up to 10 percent of the approved practice. **Important:** Native species are encouraged.	specified in the approved conservation plan, best suited for the targeted species	authorized using technical practice codes 327, 338, 386, 390, 550, 595, 645, and 647.
buffer boundary marker	specified in the approved conservation plan	
grading, leveling, and filling	to control concentrated flow	
clean tilling	specified in the approved conservation	
herbicide	to maintain vegetative cover	not authorized.
insecticide		
clearing rocks or other obstructions from the area to be seeded		
stream bank stabilization	to enhance production	
mineral or nutrient		

H Practice Incentives for CRP-SIP

Participants that enroll in this practice may receive a CRP-SIP according to subparagraph 197 A.

I Practice Incentives for PIP

Participants that enroll in this practice may receive a CRP-PIP according to subparagraph 197 B.

CP33 Habitat Buffers for Upland Birds (Continued)

J Practice Requirements

In addition to the practice standards in NRCS FOTG, the following requirements apply.

- The seeded acreage shall not be harvested or grazed by domestic livestock for the life of CRP-1 unless grazing is incidental to the normal gleaning of the crop residue in the field ***--**according to subparagraph 720 A.**--***

- Limit C/S to the minimum minerals and seed necessary to establish an adequate cover to improve wildlife habitat and environmental benefits.

- Trees and shrubs shall not exceed 10 percent coverage of the buffers. Shrubs and trees selected **must** provide optimal quail habitat and/or emergency benefits. Shrubs planted for wildlife berries/fruit and trees planted for wildlife fruit/nuts are acceptable if suited to the site.

- Chemicals used in performing the practice **must** be:

  - Federally, State, and locally registered

  - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding land.

- The habitat buffer **must** be established and maintained according to the practice standards in NRCS FOTG.

- Buffers shall not be used as turn rows, roads, or for storage of crops or equipment.

- **Seeding, if it occurs at all, should occur at much lighter rates than for CRP practices aimed at soil conservation and water quality enhancement**. CP33-enrolled acres should be lightly seeded and may even be allowed to regenerate by natural succession without additional seeding, provided that NRCS or a Technical Service Provider certifies adequate seed source for natural regeneration.

- If natural regeneration fails, the producer is responsible for seeding the buffers to meet the intent of the practice.

CP33 Habitat Buffers for Upland Birds (Continued)

J Practice Requirements (Continued)

- Desirable vegetation may be propagated through light disking, and may be maintained through light disking every two to three years over the life of the contract.

- Spot application of herbicide may be needed to control undesirable plants.

- Native grass, but does not eliminate beneficial introduced legumes, although the inclusion of native forbs/legumes is encouraged. Alfalfa and clover may be part of the seeding mix.

K Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 426 for exceptions.

L Environmental Concerns

Consideration of wildlife habitat, water quality and quantity, and other environmental concerns are to be evaluated in the planning and establishment of the upland habitat practice.

M Practice Maintenance

This practice shall be maintained without additional C/S for the life of CRP-1 according to the practice standards in NRCS FOTG.

C/S shall be refunded if either of the following applies:

- the producer destroys the practice during the contract period

- the cover fails to provide adequate upland quail and upland bird habitat and environmental benefits during the practice lifespan, unless the failure is caused by circumstances beyond the producer's control.

CP33 Habitat Buffers for Upland Birds (Continued)

N Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. For quail and upland bird buffers, the buffers shall be disturbed on a rotational basis by light disking, prescribed burning, selective herbicide application, or other prescribed methods as approved to set back vegetative succession and woody encroachment, and to expose food seeds. Mowing is an inadequate means of disturbance for quail habitat, except as need to facilitate prescribed burning or light disking. See paragraph 428.

C/S is authorized for management activities.

O Technical Responsibility

NRCS or TSP shall have technical responsibility for this practice.

CP35A Emergency Forestry – Longleaf Pine – New

A Purpose

The purpose of this practice is to establish a stand of primarily longleaf pine in a timber planting that will enhance environmental benefits.

B Program Policy

Apply this practice to eligible PNIF that had merchantable timber before the 2005 hurricanes.

C Eligibility

To be eligible for C/S, this practice shall:

- reduce soil erosion to less than the soil loss tolerance
- enhance water quality, wildlife, and erosion control benefit
- be maintained for the life of CRP-1L
- be included in the approved tree planting plan.

D Contract Activities

Planting Period

The producer has 2 years from the start of the contract to remove debris and replant or allow natural regeneration of the stand. COC's may waive the replanting period for 1 additional year. Waiver should be based on conditions that are generally beyond the control of the producer. For example, drought or lack of planting stock would be reason to authorize a waiver.

Annual Status Review

A forestry official should conduct an annual status review with the producer until the stand is established. The State Forester will review the plan with the producer and ensure proper control of weeds and undergrowth.

Certification of Practice Completion

A forestry official will certify practice compliance and note acreage treatment. Compliance should follow with standards as outlined in the conservation plan.

Spot Check

FSA staff will conduct a minimum of 10 percent spot checks annually (FY) on EFCRP contracts.

CP35A Emergency Forestry – Longleaf Pine – New (Continued)

E C/S Policy

The following shows C/S policies for this practice.

IF the component is…	AND the justification is…	THEN C/S is…
debris removal	required to establish a stand or assist in the natural regeneration	authorized using technical practice *****--codes 314, 315, 327, 338, 340, 394, 460, 550, 612, 645,--***** and 647.
wildlife enhancement	• provides cover opening that will provide additional wildlife benefits to the stand • to establish and maintain a cover that provides habitat for wildlife in otherwise open areas. This may relate to debris removal and salvage activities (planting load landings, temporary roads, etc.)	
tree seedlings, seedbed preparation, and seeding/ planting	to establish approved tree species and improve environmental benefits to less than the soil loss tolerance	
temporary cover	• required in the practice specifications • needed until approved plant stock is available • needed because the normal planting period for the approved species has passed • to establish a cover when a soil condition, such as chemical residue, will not immediately allow establishment of permanent cover	
seeding firebreaks, fuelbreaks, or firelanes	to establish and maintain the cover according to State requirements	

CP35A Emergency Forestry – Longleaf Pine – New (Continued)

E C/S Policy (Continued)

IF the component is…	AND the justification is…	THEN C/S is…
minerals, nutrients, seed, shrub seedlings, seedbed preparation, and seeding	substantiated as needed by COC to establish approved native grasses and/or shrubs best suited for wildlife in the area in the percent open areas of the tree planting **Important:** Open areas **must** be planted to a cover of approved native grass and/or shrub plantings best suited for wildlife in the area. Tree plantings within the open areas are **not** authorized. **Note:** The requirements for this practice, including eligible seed mixtures, nutrients, and minerals, **must** be specified in the practice specification, as designated by the designated technician.	authorized using technical practice codes 327, 338, 340, 394, 460, 550, 595, 612, 645, and 647.
herbicides and insecticides	specified as necessary to establish the approved cover and included in the tree planting plan and conservation plan **Note:** This does not include herbicides or pesticides used as part of the maintenance of the practice.	
clean tilling	for firebreaks, fuelbreaks, or firelanes	
fencing		not authorized.
roads		
clearing rocks or other obstructions from the area to be seeded		
minerals, nutrients, herbicides, and insecticides	to maintain vegetative cover, including trees, or enhance production	
to establish a tree species	for ornamental purposes and Christmas tree production	

CP35A Emergency Forestry – Longleaf Pine – New (Continued)

F Requirements

The following are requirements for this practice.

- Plantings **must** be protected from destructive fire and from grazing by domestic livestock for the life of CRP-1L.

- Chemicals used in performing the practice **must** be:

  - Federally-, State-, and locally-registered

  - applied according to authorized registered uses, directions on the label, and other Federal or State requirements.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1L, as determined by COC.

G Planting Timespan

Planting or sowing of the approved cover shall be completed within two years of the effective date of CRP-1L. See paragraph 426 for exceptions.

H Environmental Concerns

Consider preserving and improving the environment and wildlife concerns when making determinations about types of plantings, spacing, and other practice specifications.

CP35A Emergency Forestry – Longleaf Pine – New (Continued)

I Practice Maintenance

The practice shall be maintained without additional C/S for the life of CRP-1L. C/S shall be refunded if either of the following applies:

- the producer destroys the cover during the life of CRP-1L
- the cover fails to adequately improve environmental benefits during the life of CRP-1L, unless the failure is caused by circumstances beyond the producer's control.

The practice shall be maintained without additional C/S for the life of CRP-1L.

Tree thinning or harvest of cottonwood species may be permitted after year 9 of the CRP contract appropriate for the stand as determined by the State Forester.

J Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1L, as determined by COC. See paragraph 428.

C/S is authorized for mid contract management activities.

K Program Development

Follow this subparagraph to develop the county program.

- County practice shall identify the eligible species and provide any requirements, such as spacing, minimum plantings per acre, site preparation, or cultivation, that are conditions for C/S.
- Approved planting methods may be included or incorporated by reference to published technical standards.

L Technical Responsibility

Technical responsibility for this practice shall be assigned to the Forest Service. If a Forest Service representative is not available, this responsibility may be redelegated to NRCS or TSP.

CP35B Emergency Forestry – Longleaf Pine – Existing

A Purpose

The purpose of this practice is to enhance site characteristics to support an understocked stand made up of primarily longleaf pine that will provide significant environmental benefits.

B Program Policy

Apply this practice to eligible PNIF that had merchantable timber before the 2005 hurricanes and is suitable for growing trees that will provide multipurpose forest benefits. A forester **must** determine that the understocked stand is primarily longleaf pine and of sufficient quantity to be a manageable stand.

C Eligibility

To be eligible for C/S, this practice shall:

- improve environmental benefits to less than the soil loss tolerance
- prevent degradation of environmental benefits from recurring
- be maintained for the life of CRP-1L
- be included in the approved tree planting plan.

D C/S Policy

The following shows C/S policies for practices.

IF the component is…	AND the justification is…	THEN C/S is…
debris removal	required to establish a stand or assist in the natural regeneration	authorized using technical practice codes *****--314, 315, 327, 338, 340, 394, 460, 550, 612, 644,--***** 645, and 647.
wildlife enhancement	• provides cover opening that will provide additional wildlife benefits to the stand • to establish and maintain a cover that provides habitat for wildlife in otherwise open areas. This may relate to debris removal and salvage activities (planting load landings, temporary roads, etc.)	
seedbed preparation	to establish a site that will permit natural regeneration and that will provide benefits to wildlife, water quality, and erosion control	

CP35B Emergency Forestry – Longleaf Pine – Existing (Continued)

D C/S Policy (Continued)

IF the component is…	AND the justification is…	THEN C/S is…
temporary cover	• required in the practice specifications • to establish a cover when a soil condition, such as chemical residue, will not immediately allow establishment of permanent cover	authorized using technical practice codes 327, 338, 340, 394, 460, 550, 595, 612, 644, 645, and 647.
seeding firebreaks, fuelbreaks, or firelanes	to establish and maintain the cover according to State requirements	
minerals, nutrients, seed, shrub seedlings, seedbed preparation, and seeding	substantiated as needed by COC to establish approved native grasses and/or shrubs best suited for wildlife in the area in the open areas of the tree planting **Important:** Open areas **must** be planted to a cover of approved native grass and/or shrub plantings best suited for wildlife in the area. **Note:** The requirements for this practice, including eligible seed mixtures, nutrients, and minerals, **must** be specified in the practice specification, as designated by the designated technician.	
herbicides and insecticides	specified as necessary to establish the approved cover and included in the forestry plan and conservation plan **Note:** This does not include herbicides or pesticides used as part of the maintenance of the practice.	
clean tilling	for firebreaks, fuelbreaks, or firelanes	
fencing		not authorized.
roads		
clearing rocks or other obstructions from the area to be seeded		
minerals, nutrients, herbicides, and insecticides	to maintain vegetative cover, including trees, or enhance production	
to establish a tree species	for ornamental purposes and Christmas tree production	

CP35B Emergency Forestry – Longleaf Pine – Existing (Continued)

E Requirements

The following are requirements for this practice.

- Plantings **must** be protected from destructive fire and from grazing by domestic livestock for the life of CRP-1L.
- Chemicals used in performing the practice **must** be:
  - Federally-, State-, and locally-registered
  - applied according to authorized registered uses, directions on the label, and other Federal or State requirements.
- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1L, as determined by COC.

F Planting Timespan

Natural regeneration and/or planting shall be completed within two years of the effective date of CRP-1L. See paragraph 426 for exceptions.

G Environmental Concerns

Consider preserving and improving the environment and wildlife concerns when making determinations about types of plantings, spacing, and other practice specifications.

CP35B Emergency Forestry – Longleaf Pine – Existing (Continued)

H Practice Maintenance

The practice shall be maintained without additional C/S for the life of CRP-1L. C/S shall be refunded if either of the following applies:

- the producer destroys the cover during the life of CRP-1L
- the cover fails to adequately improve environmental benefits during the life of CRP-1L, unless the failure is caused by circumstances beyond the producer's control.

The practice shall be maintained without additional C/S for the life of CRP-1L.

Tree thinning or harvest of cottonwood species may be permitted after year 9 of the CRP contract appropriate for the stand as determined by the State Forester.

I Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1L, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

J Program Development

Follow this subparagraph to develop the county program.

- County practice shall identify the eligible species and provide any requirements, such as spacing, minimum plantings per acre, site preparation, or cultivation, that are conditions for C/S.
- Approved planting methods may be included or incorporated by reference to published technical standards.

K Technical Responsibility

Technical responsibility for this practice shall be assigned to the Forest Service. If a Forest Service representative is not available, this responsibility may be redelegated to NRCS or TSP.

CP35C Emergency Forestry – Bottomland Hardwood – New

A Purpose

The purpose of this practice is to establish and provide for the long-term viability of a bottomland hardwood stand of trees that will:

- control sheet, rill, scour, gully, and other erosion
- reduce water, air, or land pollution
- restore and enhance the natural and beneficial functions of wetlands
- promote carbon sequestration
- restore and connect wildlife habitat.

B Program Policy

Apply this practice to eligible PNIF that had merchantable timber suitable for growing bottomland hardwood trees or adapted shrubs that will provide multipurpose forest and wildlife benefits.

Note: Cottonwoods may be planted to enhance the viability of other hardwood trees (oaks, etc.)

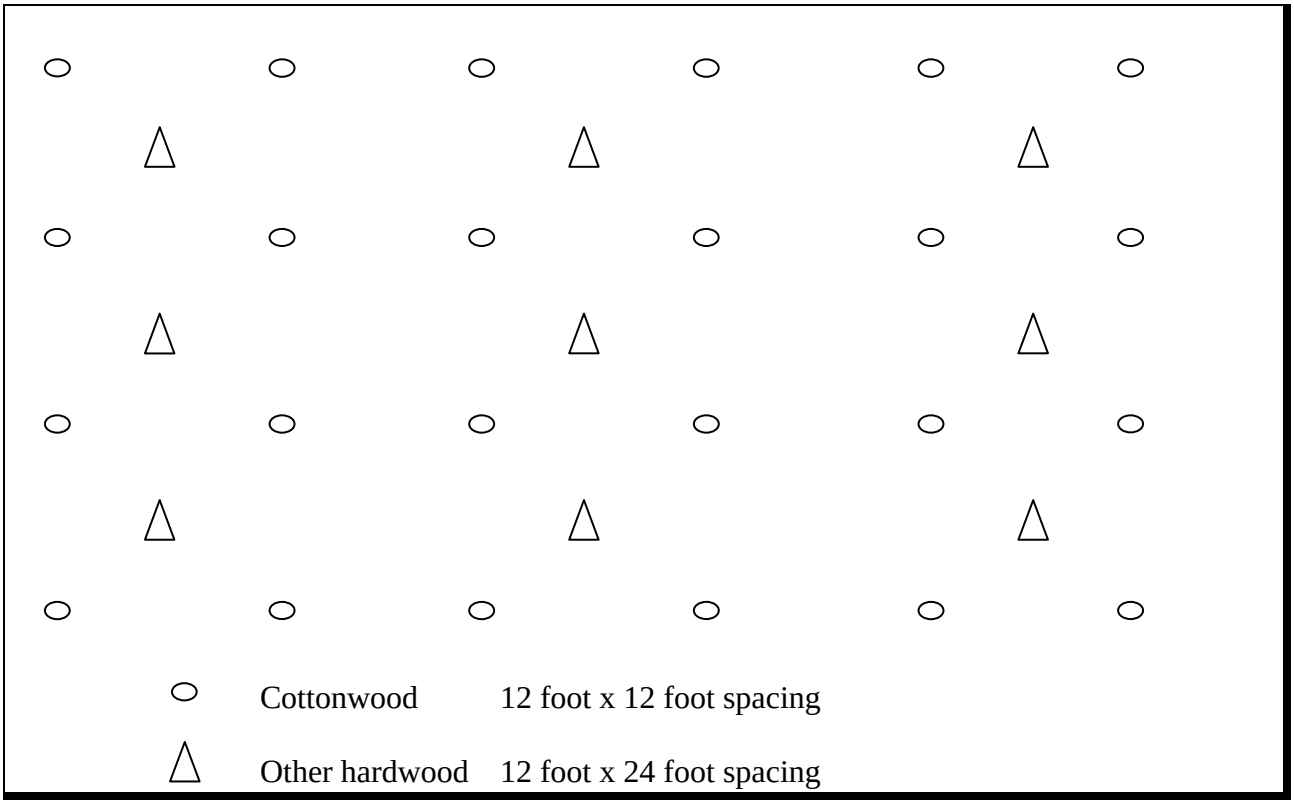
Selection of cottonwood as a component **must** be silviculturally appropriate for the long-term health and production of the stand. Hydrologic and soil characteristics **must** be appropriate for the planting of cottonwood species.

Example: Participant A enrolls 100 acres as CP35B who, working with a State Forester, selects cottonwood and 3 additional silviculturally appropriate hardwood species. The cottonwoods are planted on 12’ x 12’ spacing and the other hardwoods are planted on 12’ x 24’ spacing. The plan calls for weed and insect control during year 1 and cottonwood thinning during year 15. The cottonwood serves as a nurse crop for the other hardwood species in the neighboring rows. In year 2, Participant A may be eligible to enter into an agreement with a carbon company where Participant A sells greenhouse gas credits provided the terms and conditions of the CRP contract are not impacted. This agreement is solely between Participant A and the carbon company.

CP35C Emergency Forestry – Bottomland Hardwood – New (Continued)

B Program Policy (Continued)

The following diagram illustrates a typical cottonwood/other hardwood planting.



CP35C Emergency Forestry – Bottomland Hardwood – New (Continued)

C Eligibility

To be eligible for C/S, this practice shall:

- reduce excessive erosion to an acceptable level and increase sediment trapping efficiencies
- improve surface or ground water quality
- restore forestland that has been extensively damaged by the 2005 hurricanes
- reduce scour, gully, stream bank, sheet, or rill erosion
- prevent excessive erosion from occurring
- enhance food and cover for wildlife
- be maintained for the life of CRP-1L
- be included in the approved conservation plan.

CP35C Emergency Forestry – Bottomland Hardwood – New (Continued)

D C/S Policy

The following provides C/S policies for this practice.

IF the component is…	AND the justification is…	THEN C/S is…
to establish a minimum of 3 different varieties of mast producing hardwood tree and shrub species **Notes:** The hardwood species may include cottonwoods planted between the rows of hardwood. The cotton woods serve as a nurse crop for the other hardwoods and may be thinned.	• to reduce erosion from wind or water • provide food and cover for waterfowl and other wildlife • improve surface or ground water quality	authorized using technical practice codes ***--**314, 315, 327, 338, 340, 394, 460, 550,**--*** 612, 644, 645, and 647.
debris removal	required to establish a stand or assist in the natural regeneration	
wildlife enhancement	• provides cover opening that will provide additional wildlife benefits to the stand • to establish and maintain a cover that provides habitat for wildlife in otherwise open areas. This may relate to debris removal and salvage activities (planting load landings, temporary roads, etc.)	
to establish no more than 25 percent of the silviculturally appropriate softwood species, as determined by STC and determined appropriate by State Forester	to enhance 1 of the following: • wetland development • wildlife habitat • hardwood stand health and vigor	
temporary cover	• required in the practice specification • needed until required planting stock is available • needed because normal planting period for the species has passed • to establish a cover where a solid condition, such as chemical residue, will not immediately allow establishment of permanent cover	
seeding firebreaks, fuelbreaks, or firelanes	to establish and maintain the cover according to State requirements	
herbicides or insecticides	specified as necessary in the approved tree planting plan to establish the cover	
minerals or nutrients	substantiated as needed by COC to establish the approved cover	
clean tilling	for firebreaks, fuelbreaks, or firelanes	

CP35C Emergency Forestry – Bottomland Hardwood – New (Continued)

D C/S Policy (Continued)

IF the component is…	AND the justification is…	THEN C/S is…
tree shelters, netting, plastic tubes, or other animal control devices	approved by STC for the area and substantiated as needed by technician and COC to prevent damage from wildlife browsing **Note:** STC **must** designate areas where using such measures is warranted and cost-effective to protect seedlings.	authorized not to exceed an average cost, as determined by STC.
fencing		not authorized.
roads		
annual food plots		
to establish a hardwood tree species	• for ornamental purposes • for Christmas trees • nursery tree production • production of commercial nuts, other than species customarily planted for forestry purposes	
herbicides or insecticides	to maintain the vegetative cover including trees	
tree thinning		

CP35C Emergency Forestry – Bottomland Hardwood – New (Continued)

E Requirements

The following requirements apply for this practice.

- Approval **must** be obtained from the State Forester and State Wildlife Agency certifying that planting of cottonwood as a nurse crop is appropriate for the State and site.

- Planting of cottonwood trees may only be for nurse trees in a pattern appropriate for that purpose.

- Plantings **must** be protected from destructive fire and from grazing by domestic livestock for the life of CRP-1L.

- Chemicals used in performing the practice **must** be:

  - Federally-, State-, and locally- registered

  - applied according to authorized uses, directions on the label, and other Federal and State policies and requirements.

F Planting

Planting after CRP-1L is approved by COC shall be completed by the end of the next normal planting period, unless the producer can provide acceptable documentation that seed or tree stock is not available.

G Environmental Concerns

Consider preserving and improving the environment and wildlife concerns when making determinations about:

- types of planting
- weed control
- spacing
- water management structures
- other practice specifications.

CP35C Emergency Forestry – Bottomland Hardwood – New (Continued)

H Practice Maintenance

The practice shall be maintained without additional C/S for the life of CRP-1L.

Tree thinning or harvest of cottonwood species may be permitted after year 9 of the CRP contract appropriate for the stand as determined by the State Forester.

I Technical Responsibility

State Forester, NRCS, or TSP shall have technical responsibility for this practice. The State Forester has responsibility for determining if selection of a cottonwood species component is silviculturally appropriate.

J Practice Requirements

In addition to the practice standards in NRCS FOTG, the following requirements apply.

- The seeded area shall not be harvested or grazed by domestic livestock for the life of CRP-1L.
- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding lands.
- The practice **must** be established and maintained according to the practice standards in FOTG.

K Planting Timespan

Planting or sowing of the approved permanent cover shall be completed within 2 years of the effective date of CRP-1L. See paragraph 426 for exceptions.

L Natural Regeneration

Natural regeneration by nuts or seed may be permitted under this practice provided the certified forester believes a viable stand can be reestablished.

M Management Activities

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1L, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

CP35D Emergency Forestry – Bottomland Hardwood – Existing

A Purpose

The purpose of this practice is to enhance site characteristics of understocked stand of existing bottomland hardwood. The understocked stand **must** also provide for the long-term viability of a bottomland hardwood trees that have been impacted by the 2005 hurricanes deemed as a viable timber stand by a forester. The bottomland hardwood stand will:

- control sheet, rill, scour, and other erosion
- reduce water, air, or land pollution
- restore and enhance the natural and beneficial functions of wetlands
- promote carbon sequestration
- restore and connect wildlife habitat.

B Program Policy

Apply this practice to eligible PNIF that had merchantable timber before the 2005 hurricanes suitable for growing bottomland hardwood trees or adapted shrubs that will provide multipurpose forest and wildlife benefits.

C Eligibility

To be eligible for C/S, this practice shall:

- reduce excessive erosion to an acceptable level and increase sediment trapping efficiencies
- improve surface or ground water quality
- restore or enhance forestland that has been extensively damaged by the 2005 hurricanes
- reduce scour, gully, stream bank, sheet, or rill erosion
- prevent excessive erosion from occurring
- enhance food and cover for wildlife
- be maintained for the life of CRP-1L
- be included in the approved conservation plan.

CP35D Emergency Forestry – Bottomland Hardwood – Existing (Continued)

D C/S Policy

The following provides C/S policies for this practice.

IF the component is…	AND the justification is…	THEN C/S is…
temporary cover	• required in the practice specification • needed until required planting stock is available • needed because normal planting period for the species has passed • to establish a cover where a solid condition, such as chemical residue, will not immediately allow establishment of permanent cover	authorized using technical practice *****--codes 314, 315, 327, 340, 394, 460, 550, 612, 644, 645,--***** 647.
debris removal	required to establish a stand or assist in the natural regeneration	
wildlife enhancement	• provides cover opening that will provide additional wildlife benefits to the stand • to establish and maintain a cover that provides habitat for wildlife in otherwise open areas. This may relate to debris removal and salvage activities (planting load landings, temporary roads, etc.)	
seeding firebreaks, fuelbreaks, or firelanes	to establish and maintain the cover according to State requirements	
herbicides or insecticides	specified as necessary in the approved tree planting plan to establish the cover	
minerals or nutrients	substantiated as needed by COC to establish the approved cover	
clean tilling	for firebreaks, fuelbreaks, or firelanes	
tree thinning		not authorized.

CP35D Emergency Forestry – Bottomland Hardwood – Existing (Continued)

D C/S Policy (Continued)

IF the component is…	AND the justification is…	THEN C/S is…
herbicides and insecticides	to maintain the vegetative cover including trees	not authorized.
fencing		
roads		
annual food plots		
to establish a hardwood tree species	• for ornamental purposes • for Christmas trees • nursery tree production • production of commercial nuts, other than species customarily planted for forestry purposes	

E Requirements

The following are requirements for this practice.

- Approval **must** be obtained from the State Forester and State Wildlife Agency certifying that planting of cottonwood as a nurse crop is appropriate for the State and site.
- Plantings **must** be protected from destructive fire and from grazing by domestic livestock for the life of CRP-1L.
- Chemicals used in performing the practice **must** be:
  - Federally-, State-, and locally-registered
  - applied according to authorized uses, directions on the label, and other Federal and State policies and requirements.

F Planting

Planting after CRP-1L is approved by COC shall be completed by the end of the next normal planting period, unless the producer can provide acceptable documentation that seed or tree stock is not available.

CP35D Emergency Forestry – Bottomland Hardwood – Existing (Continued)

G Environmental Concerns

Consider preserving and improving the environment and wildlife concerns when making determinations about:

- types of planting
- weed control
- spacing
- water management structures
- other practice specifications.

H Practice Maintenance

The practice shall be maintained without additional C/S for the life of CRP-1L.

Tree thinning or harvest of cottonwood species may be permitted after year 9 of the CRP contract appropriate for the stand as determined by the State Forester.

I Technical Responsibility

State Forester, NRCS, or TSP shall have technical responsibility for this practice. The State Forester has responsibility for determining if selection of a cottonwood species component is silviculturally appropriate.

J Practice Requirements

In addition to the practice standards in NRCS FOTG, the following requirements apply.

- The seeded area shall not be harvested or grazed by domestic livestock for the life of CRP-1L.

- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding lands.

- The practice **must** be established and maintained according to the practice standards in FOTG.

National CRP Practices (Continued)

CP35DEmergency Forestry – Bottomland Hardwood – Existing (Continued)

K Planting Timespan

Planting or sowing of the approved permanent cover shall be completed within two years of the effective date of CRP-1L. See paragraph 426 for exceptions.

L Natural Regeneration

Natural regeneration by nuts or seed may be permitted under this practice provided the certified forester believes a viable stand can be reestablished.

M Management Activities

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1L, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

CP35E Emergency Forestry - Softwood – New

A Purpose

The purpose of this practice is to establish a stand of trees in a timber planting that will enhance environmental benefits for acreage damaged by the 2005 hurricanes.

B Program Policy

Apply this practice to eligible PNIF that had merchantable timber before a 2005 hurricane and is suitable for growing trees that will provide multipurpose forest benefits.

Predominant hardwood may include softwood trees:

- not to exceed 50 percent of the total number of trees planted
- **only** to provide wildlife habitat diversity to the area
- where used as nurse trees for no economic use.

C Eligibility

To be eligible for C/S, this practice shall:

- improve environmental benefits to less than the soil loss tolerance
- prevent degradation of environmental benefits from recurring
- be maintained for the life of CRP-1L
- be included in the approved tree planting plan.

CP35E Emergency Forestry - Softwood – New (Continued)

D C/S Policy

The following shows C/S policies for this practice.

IF the component is…	AND the purpose is…	THEN C/S is…
to establish suitable softwood tree species	to improve environmental benefits to an acceptable level	authorized using technical practice *--codes 314, 315, 338, 340, 391, 394, 550, 587,--* 612, 644, 657, 658, and 659.
temporary cover	• required in the practice specifications, including hardwood trees, to ensure survivability of softwoods • needed until required plant stock is available • needed because the normal planting period for the species has passed • to establish a cover where a soil condition, such as chemical residue, will not immediately allow establishment of permanent cover	
debris removal	required to establish a stand or assist in the natural regeneration	
wildlife enhancement	• provides cover opening that will provide additional wildlife benefits to the stand • to establish and maintain a cover that provides habitat for wildlife in otherwise open areas. This may relate to debris removal and salvage activities (planting load landings, temporary roads, etc.)	
seeding firebreaks, fuelbreaks, or firelanes	to establish and maintain the cover according to State requirements	
herbicides	specified as necessary in the approved tree planting plan to establish the cover	
insecticides		
clean tilling	for firebreaks, fuelbreaks, or firelanes	
tree shelters, netting, plastic tubes, or other animal control damage devices	approved by STC for the area and substantiated as needed by designated technician and COC to prevent damage from wildlife browsing **Note:** STC **must** designate areas where use of these measures is warranted and cost-effective to protect seedlings. See paragraphs 31 and 491.	authorized not to exceed an average cost, as determined by STC.

CP35E Emergency Forestry - Softwood – New (Continued)

D C/S Policy (Continued)

IF the component is...	AND the purpose is...	THEN C/S is...
fencing		not authorized.
roads		
to establish a hardwood tree species	• for ornamental purposes • for Christmas tree production	
herbicides	to maintain the vegetative cover, including trees	
insecticides		

E Requirements

The following are requirements for this practice.

- Approval **must** be obtained from the State Forester certifying that planting up to 50 percent softwoods is an appropriate silvicultural practice for the State.

- Planting in excess of 50 percent **must** receive prior approval from the Forest Service and FSA National Office.

- Plantings **must** be protected from destructive fire and from grazing by domestic livestock for the life of CRP-1L.

- Chemicals used in performing the practice **must** be:

  - Federally-, State-, and locally-registered

  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1L, as determined by COC.

CP35E Emergency Forestry - Softwood – New (Continued)

F Planting Timespan

Planting of the approved cover shall be completed within 2 years of the effective date of CRP-1L. See paragraph 426 for exceptions.

G Environmental Concerns

Consider preserving and improving the environment and wildlife concerns when making determinations about types of plantings, spacing, and other practice specifications.

H Practice Maintenance

This practice shall be maintained without additional C/S for the life of CRP-1L as designated by participant.

C/S shall be refunded if either of the following applies:

- the producer destroys the cover during the life of CRP-1L
- the cover fails to adequately improve environmental benefits during the life of CRP-1L, unless the failure is caused by circumstances beyond the producer's control.

The practice shall be maintained without additional C/S for the life of CRP-1L.

Tree thinning or harvest of cottonwood species may be permitted after year 9 of the CRP contract appropriate for the stand as determined by the State Forester.

I Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1L, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

CP35E Emergency Forestry - Softwood – New (Continued)

J Program Development

Follow this subparagraph to develop the county program.

- County practice shall:
  - identify the eligible species
  - provide requirements, such as spacing, minimum plantings per acre, including softwoods for cover (to be a minimum amount necessary), site preparation, or cultivation, that are conditions for C/S.
- Approved planting methods may be included or incorporated by reference to published technical standards.

K Technical Responsibility

Technical responsibility for this practice shall be assigned to the Forest Service. If a Forest Service representative is not available, this responsibility may be redelegated to NRCS or TSP.

CP35F Emergency Forestry - Softwood – Existing

A Purpose

The purpose of this practice is to enhance an existing understocked stand of trees in a timber planting that will enhance environmental benefits for acreage damaged by the 2005 hurricanes.

B Program Policy

Apply this practice to eligible existing PNIF that had merchantable timber before the 2005 hurricanes and is suitable for growing trees that will provide multipurpose forest benefits.

Predominant softwood planting may include hardwood trees:

- not to exceed 50 percent of the total number of trees planted
- **only** to provide wildlife habitat diversity to the area
- where used as nurse trees for no economic use.

C Eligibility

To be eligible for C/S, this practice shall:

- reduce erosion to less than the soil loss tolerance
- prevent degradation of environmental benefits from recurring
- be maintained for the life of CRP-1L
- be included in the approved tree planting plan.

CP35F Emergency Forestry - Softwood – Existing (Continued)

D C/S Policy

The following shows C/S policies for this practice.

IF the component is…	AND the purpose is…	THEN C/S is…
temporary cover	• required in the practice specifications, including hardwood trees, to ensure survivability of softwoods • needed until required plant stock is available • needed because the normal planting period for the species has passed • to establish a cover where a soil condition, such as chemical residue, will not immediately allow establishment of permanent cover	authorized using technical practice ***--**codes 314, 315, 327, 340, 394, 460, 550,**--*** 612, 644, 645, and 647.
debris removal	required to establish a stand or assist in the natural regeneration	
wildlife enhancement	• provides cover opening that will provide additional wildlife benefits to the stand • to establish and maintain a cover that provides habitat for wildlife in otherwise open areas. This may relate to debris removal and salvage activities (planting load landings, temporary roads, etc.)	
seeding firebreaks, fuelbreaks, or firelanes	to establish and maintain the cover according to State requirements	
herbicides	specified as necessary in the approved tree planting plan to establish the cover	
insecticides		
clean tilling	for firebreaks, fuelbreaks, or firelanes	
fencing		not authorized
roads		
to establish a hardwood tree species	• for ornamental purposes • for Christmas tree production	
herbicides	to maintain the vegetative cover, including trees	
insecticides		

CP35F Emergency Forestry - Softwood – Existing (Continued)

E Requirements

The following are requirements for this practice.

- Approval **must** be obtained from the State Forester certifying that planting up to 50 percent softwoods is an appropriate silvicultural practice for the State.

- Planting in excess of 50 percent **must** receive prior approval from the Forest Service and FSA National Office.

- Plantings **must** be protected from destructive fire and from grazing by domestic livestock for the life of CRP-1L.

- Chemicals used in performing the practice **must** be:

  - Federally-, State-, and locally-registered

  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1L, as determined by COC.

F Planting Timespan

Planting of the approved cover shall be completed within two years of the effective date of CRP-1L. See paragraph 426 for exceptions.

G Environmental Concerns

Consider preserving and improving the environment and wildlife concerns when making determinations about types of plantings, spacing, and other practice specifications. Ensure noxious and invasive plants are controlled throughout the life of the contract.

CP35F Emergency Forestry - Softwood – Existing (Continued)

H Practice Maintenance

This practice shall be maintained without additional C/S for the life of CRP-1L as designated by participant.

C/S shall be refunded if either of the following applies:

- the producer destroys the cover during the life of CRP-1L
- the cover fails to adequately improve environmental benefits during the life of CRP-1L, unless the failure is caused by circumstances beyond the producer's control.

The practice shall be maintained without additional C/S for the life of CRP-1L.

Tree thinning or harvest of cottonwood species may be permitted after year 9 of the CRP contract appropriate for the stand as determined by the State Forester.

I Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1L, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

J Program Development

Follow this subparagraph to develop the county program.

- County practice shall:
  - identify the eligible species
  - provide requirements for site preparation and/or cultivation that are conditions for C/S.
- Approved planting methods may be included or incorporated by reference to published technical standards.

K Technical Responsibility

Technical responsibility for this practice shall be assigned to the Forest Service. If a Forest Service representative is not available, this responsibility may be redelegated to NRCS or TSP.

CP35G Emergency Forestry – Upland Hardwood – New

A Purpose

This practice is to establish a stand of trees in a timber planting that will enhance environmental benefits for acreage damaged by the 2005 hurricanes.

B Program Policy

Apply this practice to eligible existing PNIF that had merchantable timber before the 2005 hurricanes and is suitable for growing trees that will provide multipurpose forest benefits.

Predominant softwood may include hardwood trees:

- not to exceed 50 percent of the total number of trees planted
- **only** to provide wildlife habitat diversity to the area
- where used as nurse trees for no economic use.

C Eligibility

To be eligible for C/S, this practice shall:

- reduce erosion to less than the soil loss tolerance
- prevent degradation of environmental benefits from recurring
- be maintained for the life of CRP-1L
- be included in the approved tree planting plan.

CP35G Emergency Forestry – Upland Hardwood – New (Continued)

D C/S Policy

The following shows C/S policies for this practice.

IF the component is…	AND the purpose is…	THEN C/S is…
to establish suitable hardwood tree species on more than 50 percent of the stand	to improve environmental benefits to an acceptable level	authorized using technical practice *--codes 314, 315, 327, 340, 394, 460, 550,--* 612, 645, and 647.
temporary cover	• required in the practice specifications, including hardwood trees • needed until required plant stock is available • needed because the normal planting period for the species has passed • to establish a cover where a soil condition, such as chemical residue, will not immediately allow establishment of permanent cover	
debris removal	required to establish a stand or assist in the natural regeneration	
wildlife enhancement	• provides cover opening that will provide additional wildlife benefits to the stand • to establish and maintain a cover that provides habitat for wildlife in otherwise open areas. This may relate to debris removal and salvage activities (planting load landings, temporary roads, etc.)	
seeding firebreaks, fuelbreaks, or firelanes	to establish and maintain the cover according to State requirements	
herbicides	specified as necessary in the approved tree planting plan to establish the cover	
insecticides		
clean tilling	for firebreaks, fuelbreaks, or firelanes	

CP35G Emergency Forestry – Upland Hardwood – New (Continued)

D C/S Policy (Continued)

IF the component is...	AND the purpose is...	THEN C/S is...
tree shelters, netting, plastic tubes, or other animal control damage devices	approved by STC for the area and substantiated as needed by designated technician and COC to prevent damage from wildlife browsing **Note:** STC **must** designate areas where using these measures is warranted and cost-effective to protect seedlings. See paragraphs 31 and 491.	authorized not to exceed an average cost, as determined by STC.
fencing		not authorized.
roads		
to establish a softwood tree species	• for ornamental purposes • for Christmas tree production	
herbicides	to maintain the vegetative cover, including trees	
insecticides		
temporary cover	hardwood trees that serve as trainers to produce high-value softwoods **Note:** Where silviculturally appropriate, as determined by the service forester, softwoods may be planted as trainers, not to exceed 50 percent of the number of trees planted to optimize softwood quality if no commercial use is made of the hardwoods.	

CP35G Emergency Forestry – Upland Hardwood – New (Continued)

E Requirements

The following are requirements for this practice.

- Approval **must** be obtained from the State Forester certifying that planting up to 50 percent hardwoods is an appropriate silvicultural practice for the State.

- Planting in excess of 50 percent **must** receive prior approval from the Forest Service and FSA National Office.

- Plantings **must** be protected from destructive fire and from grazing by domestic livestock for the life of CRP-1L.

- Chemicals used in performing the practice **must** be:

  - Federally-, State-, and locally-registered

  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1L, as determined by COC.

F Planting Timespan

Planting of the approved cover shall be completed within two years of the effective date of CRP-1L. See paragraph 426 for exceptions.

G Environmental Concerns

Consider preserving and improving the environment and wildlife concerns when making determinations about types of plantings, spacing, and other practice specifications. This includes the controlling of noxious and invasive plants.

CP35G Emergency Forestry – Upland Hardwood – New (Continued)

H Practice Maintenance

This practice shall be maintained without additional C/S for the life of CRP-1L as designated by participant.

C/S shall be refunded if either of the following applies:

- the producer destroys the cover during the life of CRP-1L
- the cover fails to adequately improve environmental benefits during the life of CRP-1L, unless the failure is caused by circumstances beyond the producer's control.

The practice shall be maintained without additional C/S for the life of CRP-1L.

Tree thinning or harvest of cottonwood species may be permitted after year 9 of the CRP contract appropriate for the stand as determined by the State Forester.

I Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1L, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

J Program Development

Follow this subparagraph to develop the county program.

- County practice shall:
  - identify the eligible species
  - provide requirements, such as spacing, minimum plantings per acre, including softwoods for cover (to be a minimum amount necessary), site preparation, or cultivation, that are conditions for C/S.
- Approved planting methods may be included or incorporated by reference to published technical standards.

K Technical Responsibility

Technical responsibility for this practice shall be assigned to the Forest Service. If a Forest Service representative is not available, this responsibility may be redelegated to NTCS or TSP.

CP35H Emergency Forestry – Upland Hardwood – Existing

A Purpose

This practice is to enhance site characteristics of an existing stand of trees that were damaged by the 2005 hurricanes. The stand **must** be a viable understocked stand as determined by a certified forester and provide environmental benefit.

B Program Policy

Apply this practice to eligible PNIF that had merchantable timber before the 2005 hurricanes and is suitable for growing trees that will provide multipurpose forest benefits.

Predominant softwood may include softwood trees:

- not to exceed 50 percent of the total number of trees planted
- **only** to provide wildlife habitat diversity to the area
- where used as nurse trees for no economic use.

C Eligibility

To be eligible for C/S, this practice shall:

- reduce erosion to less than the soil loss tolerance
- prevent degradation of environmental benefits from recurring
- be maintained for the life of CRP-1L
- be included in the approved tree planting plan.

CP35H Emergency Forestry – Upland Hardwood – Existing (Continued)

D C/S Policy

The following shows C/S policies for this practice.

IF the component is…	AND the purpose is…	THEN C/S is…
temporary cover	• required in the practice specifications, including hardwood trees, to ensure survivability of softwoods • needed until required plant stock is available • needed because the normal planting period for the species has passed • to establish a cover where a soil condition, such as chemical residue, will not immediately allow establishment of permanent cover	authorized using technical practice ***--**codes 314, 315, 327, 340, 394, 460, 550, 612, 645,**--*** and 647.
seeding firebreaks, fuelbreak, or firelanes	to establish and maintain the cover according to State requirements	
debris removal	required to establish a stand or assist in the natural regeneration	
wildlife enhancement	• provides cover opening that will provide additional wildlife benefits to the stand • to establish and maintain a cover that provides habitat for wildlife in otherwise open areas. This may relate to debris removal and salvage activities (planting load landings, temporary roads, etc.)	
herbicides	specified as necessary in the approved tree planting plan to establish the cover	
insecticides		
clean tilling	for firebreaks, fuelbreaks, or firelanes	
fencing		not authorized.
roads		
to establish a hardwood tree species	• for ornamental purposes • for Christmas tree production	
herbicides	to maintain the vegetative cover, including trees	
insecticides		
temporary cover	hardwood trees that serve as trainers to produce high-value softwoods **Note:** Where silviculturally appropriate, as determined by the service forester, softwoods may be planted as trainers, not to exceed 50 percent of the number of trees planted to optimize softwood quality if no commercial use is made of the hardwoods.	

CP35H Emergency Forestry – Upland Hardwood – Existing (Continued)

E Requirements

The following are requirements for this practice.

- Approval **must** be obtained from the State Forester certifying that planting up to 50 percent hardwoods is an appropriate silvicultural practice for the State.

- Planting in excess of 50 percent **must** receive prior approval from the Forest Service and FSA National Office.

- Plantings **must** be protected from destructive fire and from grazing by domestic livestock for the life of CRP-1L.

- Chemicals used in performing the practice **must** be:

  - Federally-, State-, and locally-registered

  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1L, as determined by COC.

F Planting Timespan

Planting of the approved cover shall be completed within two years of the effective date of CRP-1L. See paragraph 426 for exceptions.

G Environmental Concerns

Consider preserving and improving the environment and wildlife concerns when making determinations about types of plantings, spacing, and other practice specifications.

CP35H Emergency Forestry – Upland Hardwood – Existing (Continued)

H Practice Maintenance

This practice shall be maintained without additional C/S for the life of CRP-1L as designated by participant.

C/S shall be refunded if either of the following applies:

- the producer destroys the cover during the life of CRP-1L
- the cover fails to adequately improve environmental benefits during the life of CRP-1L, unless the failure is caused by circumstances beyond the producer's control.

The practice shall be maintained without additional C/S for the life of CRP-1L.

Tree thinning or harvest of cottonwood species may be permitted after year 9 of the CRP contract appropriate for the stand as determined by the State Forester.

I Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1L, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

J Program Development

Follow this subparagraph to develop the county program.

- County practice shall:
  - identify the eligible species
  - provide requirements, such as spacing, minimum plantings per acre, including softwoods for cover (to be a minimum amount necessary), site preparation, or cultivation, that are conditions for C/S.
- Approved planting methods may be included or incorporated by reference to published technical standards.

K Technical Responsibility

Technical responsibility for this practice shall be assigned to the Forest Service. If a Forest Service representative is not available, this responsibility may be redelegated to NRCS or TSP.

CP35I Emergency Forestry – Mixed Trees – Existing

A Purpose

This practice is to enhance an existing understocked mixed stand of trees in a timber planting that will enhance environmental benefits for acreage damaged by the 2005 hurricanes.

B Program Policy

Apply this practice to eligible existing PNIF that had merchantable timber before the 2005 hurricanes and is suitable for growing trees that will provide multipurpose forest benefits.

C Eligibility

To be eligible for C/S, this practice shall:

- reduce erosion to less than the soil loss tolerance
- prevent degradation of environmental benefits from recurring
- be maintained for the life of CRP-1L
- be included in the approved tree planting plan.

CP35I Emergency Forestry – Mixed Trees – Existing (Continued)

D C/S Policy

The following shows C/S policies for this practice.

IF the component is...	AND the purpose is...	THEN C/S is...
temporary cover	• required in the practice specifications, including softwood trees, to ensure survivability of hardwoods • needed until required plant stock is available • needed because the normal planting period for the species has passed • to establish a cover where a soil condition, such as chemical residue, will not immediately allow establishment of permanent cover	authorized using technical practice *****--codes 314, 315, 327, 340, 394, 460, 550,--***** 612, 645, and 647.
seeding firebreaks, fuelbreaks, or firelanes	to establish and maintain the cover according to State requirements	
herbicides	specified as necessary in the approved tree planting plan to establish the cover	
insecticides		
wildlife enhancement	• to establish and maintain a cover that provides habitat for wildlife in otherwise open areas. This may relate to debris removal and salvage activities (planting load landings, temporary roads, etc.) • provides cover opening that will provide additional wildlife benefits to the stand	
debris removal	required to establish a stand or assist in the natural regeneration	
clean tilling	for firebreaks, fuelbreaks, or firelanes	
fencing		not authorized.
roads		
to establish a hardwood tree species	• for ornamental purposes • for Christmas tree production	
herbicides	to maintain the vegetative cover, including trees	
insecticides		
temporary cover	softwood trees that serve as trainers to produce high-value hardwoods **Note:** Where silviculturally appropriate, as determined by the service forester, softwoods may be planted as trainers, not to exceed 50 percent of the number of trees planted to optimize hardwood quality if no commercial use is made of the softwoods.	

CP36 Longleaf Pine - Establishment

A Purpose

The primary purpose of CP36 is to re-establish longleaf pine stands at densities that benefit wildlife species and protect water quality.

B Cropland Eligibility

Apply CP36 to otherwise eligible cropland that is located in:

- Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia
- the Longleaf Pine National CRP CPA (see Exhibit 18).

CP36 may be enrolled on a continuous basis provided the following conditions are met:

- the offered acreage is on cropland and meets the eligibility requirement in paragraph 151
- the site is within the Longleaf Pine National CRP CPA (see Exhibit 18)
- the site is suitable for longleaf pine planting (soils and other site conditions)
- the practice is needed and feasible

  Note: The suitability of a soil for CP36 establishment may be determined by looking up that soil's "Long Leaf Pine Suitability Indicator" in FSA's Soil Database Management System. The Soil Database Management System may be accessed from FSA's Intranet Application Page.

- the cumulative acres for all CP36 acreage enrolled in the State does **not** exceed the State's allocation (see subparagraph 5 A).

CP36 Longleaf Pine - Establishment (Continued)

C State Acreage Allocation

--**Total acres enrolled shall not exceed 250,000 acres.**--

*** * ***

D Payment Eligibility

The payment rate shall be the weighted average SRR for the 3 predominant soils of the offered acreage and the appropriate maintenance rate.

CRP-SIP's and PIP's are available for CP36. A one-time:

- up-front CRP-SIP will be issued after CRP-1 is approved and eligibility criteria is met
- CRP-PIP, equal to 40 percent of the eligible installation costs for certain practices on continuous CRP land, will be issued after CP36 is installed, eligible costs are verified, and other payment eligibility criteria are met.

  Note: CRP-PIP is in addition to the up to 50 percent C/S for eligible practice components.

CP36 Longleaf Pine - Establishment

A Purpose

The primary purpose of CP36 is to re-establish longleaf pine stands at densities that benefit wildlife species and protect water quality.

B Cropland Eligibility

Apply CP36 to otherwise eligible cropland that is located in:

- Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia
- the Longleaf Pine National CRP CPA (see Exhibit 18).

CP36 may be enrolled on a continuous basis provided the following conditions are met:

- the offered acreage is on cropland and meets the eligibility requirement in paragraph 151
- the site is within the Longleaf Pine National CRP CPA (see Exhibit 18)
- the site is suitable for longleaf pine planting (soils and other site conditions)
- the practice is needed and feasible

  Note: The suitability of a soil for CP36 establishment may be determined by looking up that soil's "Long Leaf Pine Suitability Indicator" in FSA's Soil Database Management System. The Soil Database Management System may be accessed from FSA's Intranet Application Page.

- the cumulative acres for all CP36 acreage enrolled in the State does **not** exceed the State's allocation (see subparagraph 5 A).

CP36 Longleaf Pine - Establishment (Continued)

C State Acreage Allocation

State acreage allocations are as follows.

State	Acreage Allocation
Alabama	37,000
Florida	22,750
Georgia	84,750
Louisiana	16,250
Mississippi	21,500
North Carolina	32,250
South Carolina	21,000
Texas	10,750
Virginia	3,750
TOTAL	250,000

D Payment Eligibility

The payment rate shall be the weighted average SRR for the 3 predominant soils of the offered acreage and the appropriate maintenance rate.

CRP-SIP's and PIP's are available for CP36. A one-time:

- up-front CRP-SIP *** * *** will be issued after CRP-1 is approved and eligibility criteria is met

- CRP-PIP, equal to 40 percent of the eligible installation costs for certain practices on continuous CRP land, will be issued after CP36 is installed, eligible costs are verified, and other payment eligibility criteria are met.

  Note: CRP-PIP is in addition to the up to 50 percent C/S for eligible practice components.

CP36 Longleaf Pine - Establishment (Continued)

E C/S Policy

The following shows C/S policies for CP36.

IF the component is...	**AND the justification is...**	**THEN C/S is...**
tree seedlings, seedbed preparation, and seeding/planting	to establish approved tree species and improve environmental benefits to less than the soil loss tolerance	authorized using technical practice codes *****--314, 315, 327, 340, 394, 490, 548, 550, 612, 645,--***** and 647.
seeding firebreaks, fuelbreaks, or firelanes	to establish and maintain the cover according to State requirements	
herbicides and insecticides	specified as necessary to establish the approved cover and to control invasives (such as cogongrass) included in the tree planting plan and conservation plan **Note:** This does **not** include herbicides or pesticides used as part of the maintenance of the practice.	
tree thinning		authorized using technical practiced code 666.
fencing		not authorized.
temporary cover		
clearing rocks or other obstructions from the area to be seeded		
minerals and nutrients	to maintain vegetative cover, including trees or enhance production	
clean-tilling	for firebreaks, fuelbreaks, or firelanes	
to establish a tree species	for ornamental purposes and Christmas tree production	

CP36 Longleaf Pine - Establishment (Continued)

F Requirements

The following are requirements for CP36.

- Plantings **must** be protected from grazing by domestic livestock for the life of CRP-1.
- Chemicals used in performing the practice shall **not** include fertilizers and **must** be:
  - Federally, State, and locally registered
  - applied according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.
- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.
- The producer **must** control all noxious and invasive plants during the life of CRP-1.

G Planting

Planting after CRP-1 is approved by COC shall be completed by the end of the next normal planting period unless the producer can provide acceptable documentation that seed or tree stock is **not** available.

H Planting Timeframe

Herbicide residue related on some former cotton and peanut fields has reduced planting success for some longleaf pine planting.

Based on the recommendations provided by TSP, COC may allow the field to lay fallow during the first year of CRP-1 to reduce herbicide carryover.

TSP may recommend that permanent cover should be established during the first 2 years of CRP-1 according to paragraph 426. A 1-year extension of the 2-year planting requirement may be allowed by COC if there is justification of the need for an extension.

I Environmental Concerns

Consider preserving and improving the environment and wildlife concerns when making determinations about CP36 specifications.

CP36 Longleaf Pine - Establishment (Continued)

J Practice Maintenance

CP36 shall be maintained **without** additional C/S for the life of CRP-1. C/S shall be refunded if either of the following applies:

- the producer destroys the cover during the life of CRP-1
- the cover fails to adequately improve environmental benefits during the life of CRP-1 unless the failure is caused by circumstances beyond the producer's control.

K Technical Responsibility

Technical responsibility for CP36 shall be assigned to NRCS, State Forester, or TSP. If a TSP representative is **not** available, responsibility may be redelegated to NRCS.

L Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 426 for exceptions.

M Practice Length

The duration of CRP-1's under CP36 are from 10 to 15 years.

N Mid CRP-1 Management

CP36 shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

SED shall consult with the State Technical Committee about options for required mid-contract management activities. These options may include prescribed burning, selective herbicide application, or other measure as appropriate to set back vegetative succession and woody encroachment. Management activities shall be used to maintain proper understory vegetative structure and composition.

C/S is authorized for mid CRP-1 management activities consistent with procedure.

CP36 Longleaf Pine - Establishment (Continued)

O Density

The planting density for longleaf pine shall be a minimum of 400 trees per acre to a maximum of 600 trees per acre. The exact number of trees shall be based on the recommendation by TSP based on the unique site conditions that will provide significant wildlife benefits. Foresters shall consider ensuring sufficient ground cover that will provide:

- wildlife benefits
- a fuel source for fire.

State Technical Committees, along with FS and State foresters, shall be consulted in developing the site-by-site criteria used to develop planting density requirements.

P Understory Regeneration

Natural regeneration may be allowed if **all** the following are met:

- NRCS or TSP determines both of the following:
  - an adequate seed source of approved understory species is present in the soil at the site
  - under normal conditions, the appropriate understory cover will be established within 2 years of CRP-1 effective date
- erosion and runoff will be controlled during the establishment period
- weeds, including noxious weeds, and other nonapproved plant species will be controlled during the establishment period
- COC shall **not** approve CRP-1 until all of the requirements are met
- COC shall ensure the producer is fully informed that:
  - no C/S will be paid for natural regeneration
  - if the approved cover is not established within 2 years of the CRP-1 effective date, the producer will be required to plant the approved cover with no C/S
  - as with all CRP-1's, the control of **all** weeds, including noxious weeds, insects, and pests is a CRP participant contracted obligation

CP36 Longleaf Pine - Establishment (Continued)

P Understory Regeneration (Continued)

- the conservation plan signed by the producer requires all of the following:
  - the producer will plant the approved cover at **no** cost to FSA or CCC according to a revised conservation plan if the practice is **not** established through natural regeneration or planting within 2 years of CRP-1 effective date
  - NRCS or TSP shall spot check the site at the end of the 2nd year to determine whether the practice is established and meets the standards and specifications for NRCS conservation practice codes
  - weed control.

  Note: FSA **must** immediately notify COC and the participant:
    - the result of the spot check
    - that the participant **must** plant the approved cover with **no** C/S according to a revised conservation plan, if applicable.

For understory vegetation, native cover established through natural regeneration may suffice for temporary cover. Technical determination on natural regeneration should be made by the technical agency responsible for development of the conservation plan, or if understory vegetation is to enhance, seeding commercially available native seed may supplement natural regeneration.

STC's **must** develop natural regeneration requirements in consultation with the State Technical Committee. STC's will work with the State Technical Committee to determine which native warm season grasses are appropriate for their State. If natural regeneration does **not** occur in the given 2-year time period, the producer will be **required** to establish native warm season grasses as specified by the State Technical Committee standards.

Wiregrass or other appropriate native warm season grasses providing similar benefits shall be established to provide:

- wildlife benefits
- fuel for prescribed burns.

Q Prescribed Burning

The State Office shall consult with the State Technical Committee about options for required mid-contract management activities. If prescribed burning, selective herbicide application, and/or other measures are determined appropriate as mid-contract management, then C/S is authorized.

CP37 Duck Nesting Habitat

A Purpose

This practice is to enhance duck nesting habitat on the most duck-productive areas of Iowa, Minnesota, Montana, North Dakota, and South Dakota to restore the functions and values of wetland ecosystems that have been devoted to agricultural use. The level of restoration of the wetland ecosystem shall be determined by the producer in consultation with FSA and NRCS or TSP.

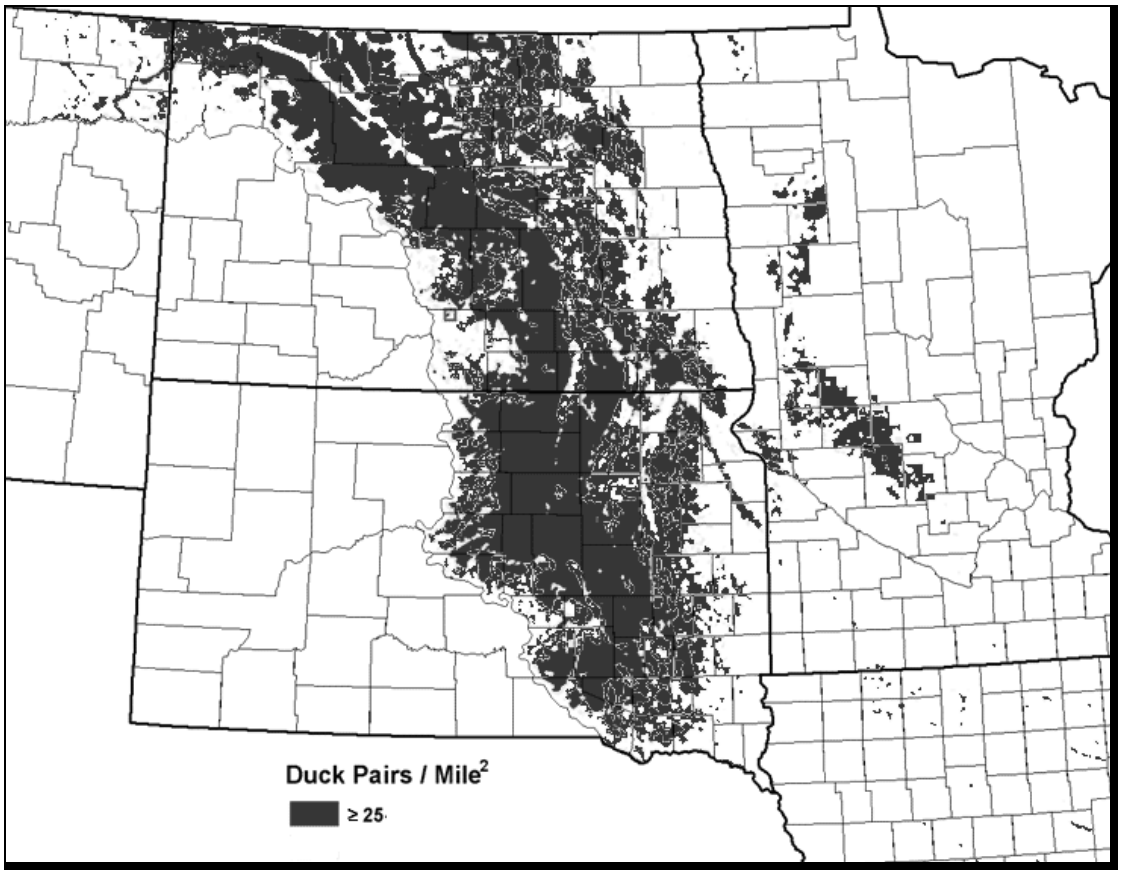
CP37 Duck Nesting Habitat (Continued)

B Application

Apply this practice to eligible wetlands and associated acreage that meet the following conditions:

- areas designated by FWS as having dense populations of duck pairs (greater than or equal to 25 breeding pairs per square mile)
- located outside the 100-year floodplain.

Note: The following map provides general areas that meet the density requirement.



The land **must** be suitable and adapted to the restoration of wetland functions and values. The restoration of wetland hydrology is **only** required to the extent specified by the producer.

CP37 Duck Nesting Habitat (Continued)

C Cropland Associated to Noncropped Wetlands

Cropland that is associated to noncropped wetlands may be enrolled as part of the buffer for CP37. Noncropped wetland acreage is limited to the designated wetland area as determined by NRCS or TSP. Cropland immediately adjacent to noncropped wetlands that does **not** meet cropping history **must not** be included as part of either of the following:

- wetland acreage used to calculate the buffer acreage
- CRP-1.

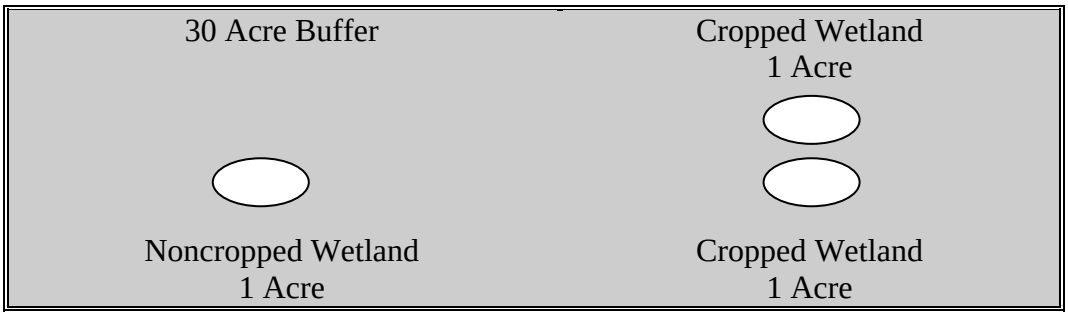
The total cropland acreage associated to the noncropped wetland plus the upland buffer acreage associated to the farmed or cropped wetland shall **not** exceed a 10:1 buffer to wetland ratio. The noncropped wetland acreage will be used to calculate the total wetland acres when determining the maximum buffer for CP37.

Note: Noncropped wetlands are **not** eligible for enrollment into practice CP37.

CP37 Duck Nesting Habitat (Continued)

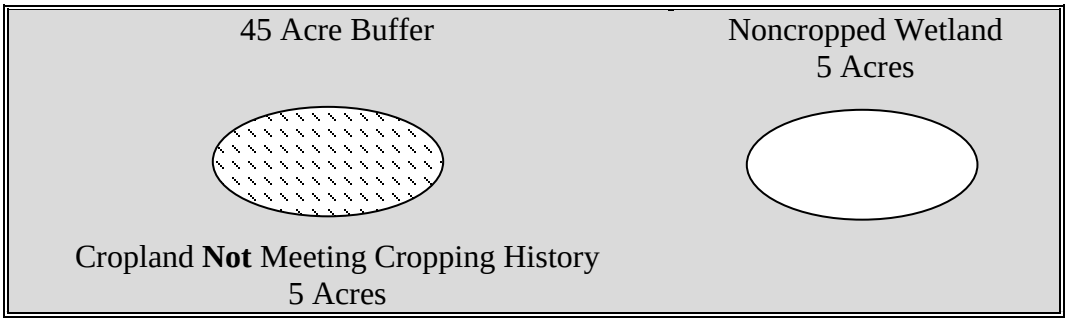
C Cropland Associated to Noncropped Wetlands (Continued)

Example 1: The offered acreage is located in an area that has a breeding duck potential of greater than 25 breeding pairs per square mile. The offered acreage has 2 acres of cropped wetlands and 1 acre of noncropped wetlands. The maximum amount of upland buffer that may be enrolled is 30 acres (3 acres of wetlands times a 10-acre buffer).



Example 2: The offered acreage is located in an area that has a breeding duck potential of greater than 25 breeding pairs per square mile. The offered acreage has 5 acres of noncropped wetlands. Five acres of cropland immediately adjacent to the noncropped wetland does **not** meet the cropping history and is **not** part of the noncropped wetland acreage. The maximum amount of upland buffer that may be enrolled is 45 acres (5 acres of wetland times a 10-acre buffer minus 5 acres for the cropland not meeting cropping history).

Note: The cropland **not** meeting cropping history is **not** eligible for enrollment in CP37, but **must** be included as part of the conservation plan.



CP37 Duck Nesting Habitat (Continued)

D Size Requirements

The amount of adjacent upland acreage to be enrolled shall be determined by FSA and NRCS or TSP. In areas designated by FWS as having greater than or equal to 25 duck pairs per square mile, the buffer to wetland acre ratio **must** be a:

- minimum of 4 to 1
- maximum 10 to 1.

E C/S Eligibility

To be eligible for C/S, this practice shall:

- be included in the approved conservation plan

- be maintained for the life of CRP-1

- restore the functional capability and values of the wetland ecosystem to a level determined by the participant in consultation with FSA and NRCS or TSP, including the following:

  - preventing degradation of the wetland area and surrounding upland area from recurring
  - increasing sediment trapping efficiencies
  - improving surface and ground water quality
  - preventing excessive erosion from recurring
  - providing waterfowl and other wildlife habitat
  - reducing flood flows.

CP37 Duck Nesting Habitat (Continued)

F State Allocations

--**Total enrollment shall not exceed 300,000 acres.**--

*** * ***

G C/S Policy

The following provides C/S policies for this practice.

IF the component is...	AND the justification is...	THEN C/S is...
earthmoving	to construct dams, levees, dugouts, or dikes needed to develop or restore the hydrology of the site	authorized using technical practices codes 314, 315, 327, 340, 512, 550, 587, 612, 644, 645, 647, 657, 658, and 659.
eligible seeding for grassland ecosystem	for soils that are developed under a grassland ecosystem that will not be covered by water anytime during a normal growing season and substantiated as needed by COC for: • establishment of permanent native grass species • establishment of permanent introduced grasses and legumes and native shrub species, where determined necessary to improve wildlife habitat • planting annuals as a nurse crop to prevent erosion while permanent cover is becoming established	
seedbed preparation	substantiated as needed by COC, not including clearing rocks or other obstructions from the area to be seeded	

CP37 Duck Nesting Habitat (Continued)

G C/S Policy (Continued)

IF the component is...	AND the justification is...	THEN C/S is...
breaking tile	restore natural water flow	authorized using technical practices codes *****--314, 315,--***** 327, 340, 512, 550, 587, 612, 644, 645, 647, 657, 658, and 659.
structures, such as pipe, chutes, and outlets	to regulate flow necessary to install an effective practice, as determined by NRCS or TSP	
temporary cover	• required in the practice specifications • needed until the required seeds or plant stock is available • needed because the normal planting period for the permanent cover crop has passed • that a soil condition, such as chemical residue, will not allow establishment of the permanent cover immediately	
seeding firebreaks, fuelbreaks, or firelanes	to establish and maintain the cover according to State requirements	
herbicides, pesticides, and insecticides	specified as necessary in the approved conservation plan to establish the cover, but not for use as part of the maintenance of the cover	
mineral or nutrient	substantiated as needed by COC to establish the approved cover	
fencing or roads		not authorized.
clearing rocks or other obstructions from the area to be seeded		
clean tilling of firebreaks, fuelbreaks, or firelanes		
grass species	establishment for ornamental purposes	
herbicides, pesticides, and insecticides	to maintain cover	
mineral or nutrient	to maintain cover or enhance production	

CP37 Duck Nesting Habitat (Continued)

H Practice Requirements

In addition to the practice standards in NRCS FOTG, the following requirements apply.

- The seeded area shall **not** be harvested or grazed by domestic livestock for the life of CRP-1.
- Limit C/S to the minimum work and materials necessary to develop or restore the wetland hydrology and establish an adequate cover to improve environmental benefits.
- The wetland ecosystem shall be restored to the extent identified according to subparagraph B.

  Note: The level of restoration shall be determined by the producer in consultation with FSA and NRCS or TSP.

- Chemicals used in establishing the practice **must** be:
  - Federally, State, and locally registered
  - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.
- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding lands.
- The practice **must** be established and maintained according to the practice standards in FOTG.
- The hydrology of the wetland **must** be maintained according to the operation and maintenance requirements for the practice standard.
- The practice shall have periodic mid-contract management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

I Practice Length

The practice length for CP37 is 10 to 15 years.

CP37 Duck Nesting Habitat (Continued)

J Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 426 for exceptions.

K Environmental Concerns

Consideration of wildlife, water quality, and other environmental concerns are to be evaluated in the planning and establishment of this practice.

L Practice Maintenance

The practice shall be maintained without additional C/S for the life of CRP-1 according to the practice standards in FOTG.

C/S shall be refunded if any of the following apply:

- producer destroys the practice during the life of CRP-1
- producer fails to maintain the cover during the life of CRP-1
- the cover fails to provide adequate protection of water quality during the life of CRP-1, unless the failure is caused by circumstances beyond the producer's control.

M Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

CP37 Duck Nesting Habitat (Continued)

N Incentive to Restore Hydrology

A one-time WRI payment equal to 25 percent of the cost of restoring the hydrology of the site is available to encourage the restoration of cropped wetlands only for CRP-1's approved before November 3, 2008. WRI payment shall be:

- a separate payment from any applicable C/S
- issued according to 1-FI using program code "XXCRPWRI"
- issued upon certification of completion of practice
- equal to 25 percent of the cost of restoring the hydrology of the site.

Exception: WRI is **not** authorized for re-enrolled practices under continuous or FWP.

Note: Do **not** include the cost associated with establishing any associated acreage when calculating the one-time WRI payment.

Producers do **not** have to receive C/S to be eligible for the one-time WRI payment.

O Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP. For areas to be established to trees, FS or State Forestry agency shall have technical responsibility.

National CRP Practices (Continued)

CP38A Buffers

A Program Policy

Apply practices under CP38A to eligible lands where a specified habitat can be restored and maintained, as determined by the applicable State-developed practice standard.

CP38B Wetlands

A Program Policy

Apply practices under CP38B to eligible lands where a specified habitat can be restored and maintained, as determined by the applicable State-developed practice standard.

CP38C Trees

A Program Policy

Apply practices under CP38C to eligible lands where a specified habitat can be restored and maintained, as determined by the applicable State-developed practice standard.

CP38D Longleaf Pine

A Program Policy

Apply practices under CP38D to eligible lands where a specified habitat can be restored and maintained, as determined by the applicable State-developed practice standard.

CP38E Grass

A Program Policy

Apply practices under CP38E to eligible lands where a specified habitat can be restored and maintained, as determined by the applicable State-developed practice standard.

CP39 FWP Constructed Wetland

A Purpose

The purpose of this practice is to develop a constructed wetland to treat effluent from row crop agricultural drainage systems. The constructed wetland system is designed to reduce nutrient and sediment loading and provide other water quality benefits while providing wildlife habitat.

B Program Policy

Apply this practice on land in which a minimum of 25 percent of the upstream watershed is comprised of row crop agricultural drained land. The site shall be suitable for the construction of a cropped wetland. Site suitability will be dependant on:

- soils
- geology of the site (sites may be limited due to karst formation and other geologic features)
- topography (steep slopes or flat topography may present challenges in ensuring sufficient wetland are to provide adequate treatment
- legal requirements including with drainage districts
- ownership requirements (owner controls the land area of the wetland and associated buffer)
- safety issues (the site does **not** provide a significant risk to public safety or property because of structure failure)
- due diligence investigation.

C Size Requirements

The maximum size for the wetland and associated buffers is 40 acres per tract. A buffer *** * *** is required for the constructed wetland.

The amount of adjacent upland (buffer) acreage to be enrolled shall:

- be determined by NRCS
- not be less than the 2:1 ratio
- not exceed the 4:1 ratio.

CP39 FWP Constructed Wetland (Continued)

D Authorized Payments

Payments, including annual rental, CRP-SIP, PIP, 20 percent SRR incentive and C/S are authorized for CP39.

E C/S Eligibility

To be eligible for C/S, this practice shall:

- be included in the approved conservation plan
- be maintained for the life of CRP-1
- reduce the loading of nutrients, sediment and other pollutants from incoming waters
- improve surface and ground water quality
- prevent excessive erosion from recurring
- provide waterfowl and other wildlife habitat
- reduce flood flows.

F C/S Policy

The following provides C/S policies for this practice.

IF the component is...	AND the justification is...	THEN C/S is...
earthmoving	to construct dams, levees, dugouts, or dikes needed to develop a constructed wetland or restore the hydrology of the site	authorized using technical practice codes 327, 338, 340, 512, 550, 587, 612, 638, 644, 645, 656, 657, 658, and 659.
eligible seeding for grassland ecosystem	for soils that are developed under a grassland ecosystem that will not be covered by water anytime during a normal growing season and substantiated as needed by COC for: • establishment of permanent native grass species • establishment of permanent introduced grasses and legumes and native shrub species, where determined necessary to improve wildlife habitat • planting annuals as a nurse crop to prevent erosion while permanent cover is becoming established	

CP39 FWP Constructed Wetland (Continued)

F C/S Policy (Continued)

IF the component is…	AND the justification is…	THEN C/S is…
eligible seeding for woodland ecosystem	for soils that are developed under a woodland ecosystem, except in areas that will be covered by water during no less than 60 calendar days of the normal growing season, and substantiated as needed by COC for: • establishment of hard mast-producing hardwoods adapted for living in wet conditions that will provide multipurpose forest and wildlife benefits • establishment of permanent introduced grasses and legumes and native shrub species, where determined necessary to improve wildlife habitat • planting annual grasses, legumes, perennial native grass species, and softwoods, not to exceed 50 percent of the total number of trees planted, to serve as a nurse crop to prevent erosion while permanent cover is becoming established	authorized.
seedbed preparation	substantiated as needed by COC, not including clearing rocks or other obstructions from the area to be seeded	
breaking tile	restore natural water flow	
concrete	to construct weirs or channels needed to develop the constructed wetland	
structures, like pipe, chutes, and outlets	to regulate flow necessary to install an effective practice, as determined by NRCS or TSP	

CP39 FWP Constructed Wetland (Continued)

F C/S Policy (Continued)

IF the component is...	AND the justification is...	THEN C/S is...
temporary cover	• required in the practice specifications • needed until the required seeds or plant stock is available • needed because the normal planting period for the permanent cover crop has passed • that a soil condition, like chemical residue, will not allow establishment of the permanent cover immediately	authorized.
seeding firebreaks, fuelbreaks, or firelanes	to establish and maintain the cover according to State requirements	
herbicides, pesticides, and insecticides	specified as necessary in the approved conservation plan to establish the cover, but not for use as part of the maintenance of the cover	
mineral or nutrient	substantiated as needed by COC to establish the approved cover	
tree shelters, netting, plastic tubes, or other animal damage control devices	approved by STC for the area and substantiated as needed by designated technician and COC to prevent damage from wildlife browsing **Note:** STC **must** designate areas where use of such measures is warranted and cost-effective to protect seedlings. See paragraphs 31 and 491.	authorized not to exceed an average cost, as determined by STC.

CP39 FWP Constructed Wetland (Continued)

F C/S Policy (Continued)

IF the component is...	AND the justification is...	THEN C/S is...
fencing or roads		not authorized.
clearing rocks or other obstructions from the area to be seeded		
clean tilling of firebreaks, fuelbreaks, or firelanes		
tree or grass species	establishment for ornamental purposes	
herbicides, pesticides, and insecticides	to maintain cover	
mineral or nutrient	to maintain cover or enhance production	

G Practice Requirements

In addition to the practice standards in NRCS FOTG, the following requirements apply.

- The seeded area shall not be harvested or grazed by domestic livestock for the life of CRP-1.

- Limit C/S to the minimum work and materials necessary to develop the constructed wetland or restore the wetland hydrology, and establish an adequate cover to improve environmental benefits. COC may request to DAFP cost-share in excess of the minimum work and materials necessary on a case by case basis.

- Chemicals used in establishing the practice **must** be:

  - Federally, State, and locally registered

  - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding lands.

- The practice **must** be established and maintained according to the practice standards in FOTG.

CP39 FWP Constructed Wetland (Continued)

G Practice Requirements (Continued)

- The hydrology of the constructed wetland **must** be maintained according to the operation and maintenance requirements for the practice standard.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

H Planting Timespan

Planting or sowing of the approved cover shall be completed within 24 months of the effective date of CRP-1. See paragraph 426 for exceptions.

I Environmental Concerns

Consideration of water quality, wildlife, and other environmental concerns are to be evaluated in the planning and establishment of this practice. FSA shall conduct a site investigation prior to approving a CPR-1 on a constructed wetland. This investigation is to determine if potential hazardous materials may be associated with the site. Potential impacts to historic/cultural resources and threatened and endangered species should be evaluated. Appropriate regulatory agencies should be consulted with in this process.

CP39 FWP Constructed Wetland (Continued)

J Practice Maintenance

The practice shall be maintained without additional C/S for the life of CRP-1 according to the practice standards in FOTG.

C/S shall be refunded if any of the following apply:

- producer destroys the practice during the life of CRP-1
- producer fails to maintain the cover during the life of CRP-1
- the cover fails to provide adequate protection of water quality during the life of CRP-1, unless the failure is caused by circumstances beyond the producer's control.

K Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

L Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP. For areas to be established to trees, FS or State Forestry Agency shall have technical responsibility.

CP40 Farmable Wetlands Program Aquaculture Wetland Restoration

A Purpose

The purpose of this practice is to restore habitat or the functions and values of wetland ecosystems that have been devoted to commercial pond-raised aquaculture. The level of restoration of the wetland ecosystem shall be determined by the producer in consultation with NRCS or TSP.

B Program Policy

Apply this practice to eligible land devoted to commercial pond-raised aquaculture to do the following:

- restore habitat or the functions and values of the wetland ecosystem
- provide water cover for wildlife habitat

Note: The restoration of wetland hydrology is only required to the extent specified by the producer.

If the land is developed to provide water cover for wildlife habitat, the water area must be an average depth of 6 to 18 inches. The water area must provide a source of water for wildlife for a majority of the year.

Note: Water cover is limited to 20 percent of the total enrolled acreage.

Food plots may be permitted to enhance the wildlife habitat on up to 10 percent of the enrolled land.

All levees must be planted to appropriate vegetative or tree cover if enrolled as part of the CRP contract. Levees used as access roads will not be part of the CRP contract.

C Eligible Land Limit

Total eligible land for wetland restorations is limited to land that was devoted to commercial pond-raised aquaculture any 1 year, 2002 through 2007.

D Size Requirements

Land enrolled under CP40 has no size limitation.

CP40 Farmable Wetlands Program Aquaculture Wetland Restoration (Continued)

E C/S Eligibility

To be eligible for C/S, this practice shall:

- be included in the approved conservation plan
- be maintained for the life of CRP-1
- restore the functional capability and values of the wetland ecosystem to a level determined by the participant in consultation with NRCS or TSP, including the following:
    - preventing degradation of the wetland area and surrounding upland area from recurring
    - increasing sediment trapping efficiencies
    - improving surface and ground water quality
    - preventing excessive erosion from recurring
    - providing waterfowl and other wildlife habitat
    - reducing flood flows.

F C/S Policy

The following provides C/S policies for this practice.

IF the component is...	AND the justification is...	THEN C/S is...
earthmoving	to smooth the levee to the extent levees needed to develop the habitat or restore the hydrology of the site or provide cover for wildlife habitat **Note:** Levees may be shaped and smoothed to no flatter than a 6:1 slope.	authorized using technical practice codes 327, 338, 340, 512, 550, 587, 612, 638, 644, 645, 657, 658, and 659.

CP40 Farmable Wetlands Program Aquaculture Wetland Restoration (Continued)

F C/S Policy (Continued)

IF the component is…	AND the justification is…	THEN C/S is…
eligible seeding for grassland ecosystem	for soils that are developed under a grassland ecosystem that will not be covered by water anytime during a normal growing season and substantiated as needed by COC for: • establishment of permanent native grass species • establishment of permanent introduced grasses and legumes and native shrub species, where determined necessary to improve wildlife habitat • planting annuals as a nurse crop to prevent erosion while permanent cover is becoming established	authorized using technical practice codes 327, 338, 340, 512, 550, 587, 612, 638, 644, 645, 657, 658, and 659.
eligible seeding for woodland ecosystem	for soils that are developed under a woodland ecosystem, except in areas that will be covered by water during no less than 60 calendar days of the normal growing season, and substantiated as needed by COC for: • establishment of hard mast-producing hardwoods adapted for living in wet conditions that will provide multipurpose forest and wildlife benefits • establishment of permanent introduced grasses and legumes and native shrub species, where determined necessary to improve wildlife habitat • planting annual grasses, legumes, perennial native grass species, and softwoods, not to exceed 50 percent of the total number of trees planted, to serve as a nurse crop to prevent erosion while permanent cover is becoming established	authorized.

CP40 Farmable Wetlands Program Aquaculture Wetland Restoration (Continued)

F C/S Policy (Continued)

IF the component is…	AND the justification is…	THEN C/S is…
seedbed preparation	substantiated as needed by COC, not including clearing rocks or other obstructions from the area to be seeded	authorized.
temporary cover	• required in the practice specifications • needed until the required seeds or plant stock is available • needed because the normal planting period for the permanent cover crop has passed • that a soil condition, like chemical residue, will not allow establishment of the permanent cover immediately	
seeding firebreaks, fuelbreaks, or firelanes	to establish and maintain the cover according to State requirements	
herbicides, pesticides, and insecticides	specified as necessary in the approved conservation plan to establish the cover, but not for use as part of the maintenance of the cover	
mineral or nutrient	substantiated as needed by COC to establish the approved cover	
tree shelters, netting, plastic tubes, or other animal damage control devices, except when natural regeneration is selected by the producer.	approved by STC for the area and substantiated as needed by designated technician and COC to prevent damage from wildlife browsing **Note:** STC **must** designate areas where use of such measures is warranted and cost-effective to protect seedlings. See paragraphs 31 and 491.	authorized not to exceed an average cost, as determined by STC.

CP40 Farmable Wetlands Program Aquaculture Wetland Restoration (Continued)

F C/S Policy (Continued)

IF the component is...	AND the justification is...	THEN C/S is...
fencing or roads		not authorized.
clearing rocks or other obstructions from the area to be seeded		
clean tilling of firebreaks, fuelbreaks, or firelanes		
tree or grass species	establishment for ornamental purposes	
herbicides, pesticides, and insecticides	to maintain cover	
minerals, nutrient, herbicides, and insecticides	to maintain cover or enhance production	
grading, shaping, filling		
seed, tree and shrub seedlings, seedbed preparation and seeding	for use with natural regeneration	
minerals and nutrients		
temporary supplemental irrigation systems or plastic mulch		
clearing rocks or other obstructions from the area to be seeded		

G Practice Requirements

In addition to the practice standards in NRCS FOTG, the following requirements apply.

- The seeded area shall not be harvested or grazed by domestic livestock for the life of CRP-1.
- Limit C/S to the minimum work and materials necessary to develop or restore the wetland hydrology, and establish an adequate cover to improve environmental benefits.
- The wetland ecosystem shall be restored to the extent identified according to subparagraph B.

  Note: The level of restoration shall be determined by the producer in consultation with NRCS or TSP.

CP40 Farmable Wetlands Program Aquaculture Wetland Restoration (Continued)

G Practice Requirements (Continued)

- Chemicals used in establishing the practice **must** be:
  - Federally, State, and locally registered
  - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.
- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding lands.
- The practice **must** be established and maintained according to the practice standards in FOTG.
- The hydrology of the wetland **must** be maintained according to the operation and maintenance requirements for the practice standard.
- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

CP40 Farmable Wetlands Program Aquaculture Wetland Restoration (Continued)

H Natural Regeneration

Producers may elect to allow natural regeneration of the aquaculture wetland if **all** of the following are met:

- NRCS or TSP determines both of the following:
  - an adequate seed source of approved tree, shrub, and grass species is present in the soil at the site
  - under normal conditions, the **appropriate cover** will be established within 2 years of CRP-1 effective date
- erosion and runoff will be controlled during the establishment period
- weeds, including noxious weeds, and other nonapproved plant species will be controlled during the establishment period
- the conservation plan signed by the producer requires **all** of the following:
  - **no** C/S shall be paid for the practice

    Exceptions: See subparagraph E.
  - the producer will plant the approved cover at no cost to FSA or CCC according to a revised conservation plan if the aquaculture wetland is not established through natural regeneration within 2 years of CRP-1 effective date
  - conservation practice code 647, Early Successional Habitat Development/Management, is used to identify natural regeneration
  - NRCS or TSP shall spot check the site at the end of the second year to determine whether the aquaculture wetland is established and meets the standards **and** specifications for NRCS conservation practice code 391A, Riparian Forest Buffer

  Note: FSA must immediately notify COC and the participant:

    - of the result of the spot check
    - that the participant must plant the approved cover with no C/S according to a revised conservation plan, if applicable.

CP40 Farmable Wetlands Program Aquaculture Wetland Restoration (Continued)

H Natural Regeneration (Continued)

COC shall **not** approve CRP-1 until **all** of the preceding requirements are met. COC shall ensure the producer is fully informed that:

- no C/S will be paid for natural regeneration

  Exceptions: See subparagraph E

- the producer will be required to plant the approved cover with no C/S if the approved cover is not established within 2-years of the CRP-1 effective date.

I Planting Timespan

Planting or sowing of the approved cover shall be completed within 24 months of the effective date of CRP-1. See paragraph 426 for exceptions.

J Environmental Concerns

Consideration of water quality, wildlife, and other environmental concerns are to be evaluated in the planning and establishment of this practice.

K Practice Maintenance

The practice shall be maintained without additional C/S for the life of CRP-1 according to the practice standards in FOTG.

C/S shall be refunded if any of the following apply:

- producer destroys the practice during the life of CRP-1

- producer fails to maintain the cover during the life of CRP-1

- the cover fails to provide adequate protection of water quality during the life of CRP-1, unless the failure is caused by circumstances beyond the producer's control.

CP40 Farmable Wetlands Program Aquaculture Wetland Restoration (Continued)

L Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

M Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP. For areas to be established to trees, FS or State Forestry Agency shall have technical responsibility.

CP41 FWP Flooded Prairie Wetland

A Purpose

The purpose of this practice is to restore the functions and values of wetlands that have been subject to the natural overflow of a prairie wetland. Hydrology and vegetation **must** be restored to the maximum extent possible, as determined by USDA.

B Program Policy

Apply this practice to eligible cropland that is suitably located in the Prairie Pothole CPA and adapted to the restoration of wetland functions and values. The restoration of the wetland hydrology and vegetation is required to the maximum extent possible.

For cropland to be eligible to be enrolled in CRP under FWP and be devoted to CP41, all of the following **must** be met:

- cropland meets cropping history requirements of 246
- the cropland was subject to the natural overflow of a prairie wetland
- an associated buffer (CP28) is offered.

C Size Requirements

The maximum acceptable size of any 1 CP41 is 20 contiguous acres. Wetlands greater than 20 acres in size are not eligible for enrollment in CRP under FWP as practice CP41. The total of all wetlands on the tract is limited to 40 acres. Associated buffers (CP28) are required for each CP41 enrolled. The minimum acceptable width of the associated buffer (CP28) is 30 feet. The maximum buffer size may not exceed up to 4 times the size of the eligible wetland. See CP28 Farmable Wetlands Pilot Buffer, for the practice requirements for the associated buffer.

Examples: A producer offers a 21 acre wetland. Because the total wetland is greater than 20 acres in size, the entire 21 acre wetland is ineligible for enrollment in CRP under FWP as CP41.

A producer offers a 10 acre wetland, a 14 acre wetland and a 16 acre wetland for enrollment as CP41. Because no wetland is greater than 20 acres in size and the total of all wetlands is 40 acres, all wetlands may be enrolled as CP41. A buffer, not to exceed a 4:1 ratio, must also be enrolled.

CP41 FWP Flooded Prairie Wetland (Continued)

D C/S Eligibility

To be eligible for C/S, this practice shall:

- only be enrolled under FWP
- only be enrolled with an eligible associated buffer (CP28)
- meet the cropping history requirements
- be included in the approved conservation plan
- be maintained for the life of CRP-1
- restore the functional capability and values of the wetland.

E Authorized Payments

Payments, including annual rental, CRP-SIP, PIP, 20 percent SRR incentive, and C/S are authorized for CP41

F C/S Policy

The following shows C/S policies for this practice.

IF the component is...	AND the justification is...	THEN C/S is...
earthmoving	to construct dams, levees, dugouts, or dikes needed to develop or restore the hydrology of the site	authorized using technical practice codes 327, 338, 340, 512, 550, 587, 612, 638, 644, 645, 657, 658, and 659.
eligible seed and seeding	for soils that are developed under a wetland ecosystem and substantiated as needed by COC for: • establishing permanent native grass species • establishing permanent introduced grasses, forbs, and legumes, trees, and native shrub species, where determined necessary to restore the functions and values of the wetland • planting annuals as a nurse crop to prevent erosion while permanent cover is becoming established	

CP41 FWP Flooded Prairie Wetland (Continued)

F C/S Policy (Continued)

If the component is...	And the justification is...	Then C/S is...
seedbed preparation	substantiated as needed by COC, not including clearing rocks or other obstructions from the area to be seeded	authorized
structures, such as pipe, chutes, and outlets	to regulate flow necessary to install an effective practice, as determined by NRCS	
temporary cover	• required in the practice specifications • needed until the required seeds or plant stock is available • needed because the normal planting period for the permanent cover crop has passed • that a soil condition, such as chemical residue, will not allow establishment of the permanent cover immediately	
herbicides, pesticides, and insecticides	specified as necessary in the approved conservation plan to establish the cover, but not for use as part of the maintenance of the cover	
mineral or nutrient	substantiated as needed by COC to establish the approved cover	
tree shelters, netting, plastic tubes, or other animal control devices	approved by STC for the area and substantiated as needed by technician and COC to prevent damage from wildlife browsing **Note:** STC **must** designate areas where using such measures is warranted and cost-effective to protect seedlings.	authorized not to exceed an average cost, as determined by STC.

CP41 FWP Flooded Prairie Wetland (Continued)

F C/S Policy (Continued)

IF the component is…	AND the justification is…	THEN C/S is…
fencing or roads		not authorized.
clearing rocks or other obstructions from the area to be seeded		
clean tilling of firebreaks, fuelbreaks, or firelines		
tree or grass species	establishment for ornamental purposes	
herbicides, pesticides, and insecticides	to maintain cover	
mineral or nutrient	to maintain cover or enhance production	

CP41 FWP Flooded Prairie Wetland (Continued)

G Practice Requirements

In addition to the practice standards in NRCS FOTG, the following requirements apply.

- The seeded area shall not be harvested or grazed by domestic livestock for the life of CRP-1.
- Limit C/S to the minimum work and materials necessary to develop or restore the wetland hydrology, and establish an adequate cover to improve environmental benefits.
- The wetland shall be restored to the extent identified according to subparagraph B.
- Chemicals used in establishing the practice **must** be:
  - Federally, State, and locally registered
  - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.
- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding lands.
- The practice **must** be established and maintained according to the practice standards in FOTG.
- The hydrology of the wetland **must** be maintained according to the operation and maintenance requirements for the practice standard.

H Planting Timespan

Planting or sowing of the approved permanent cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 426 for exceptions.

I Environmental Concerns

Consideration of water quality, wildlife, and other environmental concerns are to be evaluated in the planning and establishment of this practice.

CP41 FWP Prairie Flooded Wetland (Continued)

J Practice Maintenance

The practice shall be maintained without additional C/S for the life of CRP-1 according to the practice standards in FOTG.

C/S shall be refunded if any of the following apply:

- producer destroys the practice during the life of CRP-1
- producer fails to maintain the cover during the life of CRP-1
- the cover fails to provide adequate protection of water quality during the life of CRP-1, unless the failure is caused by circumstances beyond the producer's control.

K Associated Practice

This practice is only authorized with the associated practice CP28, Farmable Wetland Pilot Buffer, to ensure that the functions and values of the wetland are maintained for the length of the contract.

L Technical Responsibility

NRCS or TSP shall have the technical responsibility for this practice, except in those areas established to trees, the Forest Service or State Forestry Agency shall have the technical responsibility.

M Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See paragraph 428.

C/S is authorized for management activities.

*--CP42 Pollinator Habitat

A Purpose

The purpose of this practice is to establish habitat to support a diversity of pollinator species.

B Program Policy

Apply this practice to eligible cropland where pollinator habitat can be established and maintained, as determined by NRCS technical specifications, in a cost-effective manner through enrollment in CRP.

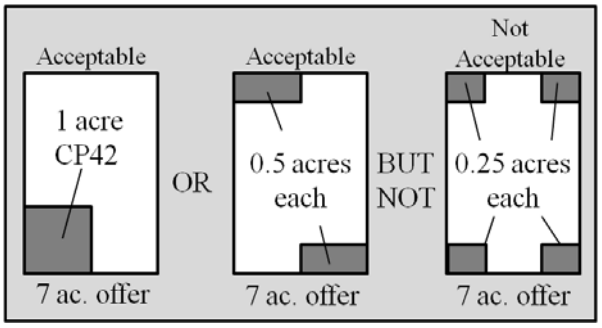
The conservation plan developed for acreage under CRP-1 devoted to CP42 **must** address pollinator habitat needs.

C Size Requirements

- Producers may use CP42 on all offered acreage.
- If not planted in whole fields, block plantings of CP42 are preferred over strips. If planted in strips, each strip must be a minimum of 20 feet wide.
- Habitat areas of CP42 must be at least 0.5 acres each.

Example 1: Participant A offers 40 acres, with all acreage in CP42. This offer is eligible.

Example 2: Participant B offers 7 acres, including 1 acre of CP42. Individual habitat areas of CP42 must be no smaller than 0.5 acres.



--*

*--CP42 Pollinator Habitat (Continued)

D Eligibility

To be eligible for C/S, this practice shall:

- create pollinator habitat to an acceptable level
- prevent degradation of pollinator habitat from recurring after establishment
- be maintained for the CRP-1 period
- be included in the approved conservation plan
- prevent degradation of environmental benefits from recurring after establishment
- improve environmental benefits to less than the soil loss tolerance.**--***

*--CP42 Pollinator Habitat (Continued)

E C/S Policy

The following contains C/S policies for this practice.

If the component is…	AND the justification is…	THEN C/S is…
seedbed preparation	substantiated as needed by COC	authorized using technical practice *--codes 314, 315, 327, 338, 340, 342, 386, 390, 394, 550, 643, 645, and 647.--*
minerals		
eligible seed or plant stock, including shrubs **Important:** Native flowering species are encouraged.	substantiated as needed by COC, and specified in the approved conservation plan to benefit targeted pollinator species	
habitat boundary marker	specified in the approved conservation plan	
seeding, including approved shrubs	substantiated as needed by COC and listed as approved species in the practice specifications	
herbicides	specified as necessary in the approved conservation plan	
insecticides		
brush piles, edge feathering, or similar methods **Important:** Limited to woody materials on CP42 acres only.	specified as necessary in the approved conservation plan to provide nesting habitat for pollinators and other environmental benefits	
temporary cover	• required in the practice specifications needed until required seeds or plant stock is available • needed because normal planting period for the species has passed • that a soil condition, such as chemical residue, will not allow establishment of cover immediately	
seeding firebreaks, fuelbreaks, or firelanes	to establish and maintain the cover according to State requirements	

*--CP42 Pollinator Habitat (Continued)

E C/S Policy (Continued)

If the component is…	AND the justification is…	THEN C/S is…
herbicides	to maintain vegetative cover	**not** authorized.
insecticides		
clearing rocks or other obstructions from the area to be seeded		
clean tilling of firebreaks, fuelbreaks, or firelanes		
fencing or roads		
minerals	to enhance production	

F Practice Requirements

In addition to the practice standards in NRCS FOTG, the following requirements apply.

- This practice may be used with other conservation practices

- Seeding mixes shall contain a minimum of 9 species of pollinator-friendly wildflowers, legumes, and/or shrubs. More than 9 species are encouraged. Trees are not an eligible component of CP42 seed mixes.

  Exception: States with arid areas may submit alternative standards.

- At least 3 species shall have their primary onset of blooming during each period of April through June 15, June 15 through July, and August through October. The 3 species need not be in bloom for the entirety of a bloom period.

  Exception: States with arid areas may submit alternative standards.

- State Committees may propose alternatives to species diversity and bloom period standard for arid areas only. Alternative standards must receive DAFP approval.

- Seeding mixes shall include no more than 25 percent grasses based on pure live seeds per square foot. Grass is not required in CP42.

- Where allowed by NRCS FOTG, total seed mixes, including grass seeds, must be 15-30 pure live seeds per square foot. Seeding rates may be higher where required by NRCS FOTG.--*

***--CP42 Pollinator Habitat (Continued)**

F Practice Requirements (Continued)

- Grasses seeded in this practice must be native. Though wildflower, legume, and/or shrub species planted are encouraged to be native, beneficial introduced flowering plants (e.g., alfalfa and clover) may be part of the seeding mix. Each introduced species is encouraged to make up no more than 10 percent of the pure live seed mixture with a total of introduced flowering plants encouraged to not exceed 20 percent of the pure live seed mixture.

- To provide quality nesting habitat for native bees, nonsod forming bunch grasses are preferred over sod-forming grasses, if including grass in the seeding mix.

- Chemicals used in performing the practice **must** be:

  - Federally, State, and locally registered

  - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.

- The practice **must** be established and maintained according to the practice standards in NRCS FOTG.

- If included in the approved conservation plan and where allowed by NRCS FOTG, brush piles, downed tree structures, edge feathering, or similar methods may be used to create dead woody material for pollinator nesting habitat. No trees may be enrolled in CP42 Pollinator Habitat. Edge feathering may be included in a conservation plan where a forested edge or treeline owned by the participant abuts CP42 and edge feathering material can be dropped on to CP42. Woody habitat created on CP42 shall not exceed 1,500 square feet for every 1 acre of CP42, up to 1 acre in total woody habitat.

- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding land.

- Spot application of herbicide may be needed to control undesirable plants.

- The seeded area shall not be harvested or grazed by domestic livestock for the life of CRP-1.

- Where practicable, as determined by NRCS or TSP, State-certified seed shall be used for CP42.

- The practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.**--***

*--CP42 Pollinator Habitat (Continued)

G Practice Length

The practice length for CP42 is 10 years.

H Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See paragraph 426 for exceptions.

I Environmental Concerns

Consider preserving and improving pollinator and wildlife habitat, and other environmental concerns when making determinations about types of plantings, spacing, and other practice specifications.

J Practice Maintenance

The practice shall be maintained without additional C/S for the CRP-1 period. C/S shall be refunded if:

- producer destroys the cover during the CRP-1 period
- cover fails to provide adequate pollinator habitat and environmental benefits during the practice lifespan, unless caused by circumstances beyond the producer's control.

K Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. The practice shall be disturbed on a rotational basis by light disking, prescribed burning, selective herbicide application, or other prescribed methods as approved by STC. Management methods shall enhance or maintain flowering plant diversity, set back vegetative succession and woody encroachment, and expose soil for pollinator nesting sites. Mowing is generally an inadequate means of disturbance for pollinator habitat, except as needed to remove annual weeds during establishment, or to facilitate prescribed burning or light disking. See paragraph 428.

C/S is authorized for management activities.

L Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP.--*

Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet for Conservation Reserve Program

Note: Exhibit 16 will be available in a fillable format at **http://intranet.fsa.usda.gov**. CLICK "FFAS Employee Forms/Publications Site" and CLICK "Find Current Forms Using Our Form Number Search". For "Form Number", ENTER "2-CRP".

Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet
For Conservation Reserve Program

A person or legal entity that exceeds the AGI requirements of the 2008 Farm Bill will not be eligible to receive payments for certain farm bill programs except when a waiver is authorized by the Administrator on a case-by-case basis if it is determined that environmentally sensitive land of special significance will be protected.

When a producer requests an AGI waiver, the County Committee should have the producer prepare a written request for an AGI waiver addressed to the Administrator. The County Committee will submit the producer's written request, along with the completed waiver request worksheet package, to the State Committee for review (Note: Federally recognized Tribes are not subject to AGI limitations).

For those requests that meet all the requirements listed in Section 5, the State Committee will forward a complete waiver package through DAFP for the Administrator's approval. State Committee's shall provide written notification to all producers of requirements not met with appeal rights or acknowledgement of waivers approved by the Administrator.

Producer Name: _____
State: _____ Location (County): _____

Section 1: Program and length of proposed contract(s)/easements/ contract number

Identify the program and length of producer's proposed contract (List only one program per waiver request):

Program _____ Length of Contract _____ Contract Number _____

The waiver request must show that use of conservation program funding by an individual addresses at least one of the following categories.

☐ (1) Critical to the success of a project that benefits **multiple producers** in a community, watershed, or other geographic area, or

☐ (2) Enables USDA to achieve enduring conservation treatment through a long-term agreement that is greater than 15 years in duration or through a deed restriction on the land. **Note:** Programs with agreements less than 15 years in duration will need to be in a partnership with another type of agreement to meet these criteria.

Section 2: National Priority or Emphasis

The conservation practice(s)/activity to be implemented on the producer's land must benefit one or more of the national priorities or emphasis areas specific to the applicable program.

List the farm bill program the producer intends to participate in and identify the national priorities or emphasis (program specific) that will be addressed. (List all that apply):

Program *(e.g. CRP)*	National Program Priority or Emphasis *(Promotion of at-risk species habitat conservation)*

Page 1 of 3

Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet for Conservation Reserve Program (Continued)

Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet
For Conservation Reserve Program *(Continued)*

Section 3: Federal, Regional, Tribal or State Resource Management Plan or Natural Resource Plans

The environmentally sensitive land of special significance is clearly identified in an approved federal, regional, Tribal, or state environmental or natural resource plan or report. The planned conservation practice(s) or activity will protect or be an integral component in addressing the federal, regional, tribal, or State plan's objectives: (check all that apply):

- ☐ State Wildlife Action Plan/Report Title: _____
- ☐ State Water Quality Plan, Plan/Report Title: _____
- ☐ National Air Quality Plan, Plan/Report Title: _____
- ☐ U.S. Fish and Wildlife Recovery Plan Title: _____
- ☐ National Fish Habitat Action Plan Title: _____
- ☐ Nationally accepted Agricultural Water Enhancement Program (AWEP, CCPI or CIG) Project Name: _____
- ☐ Other federal, regional, state or Tribal plan, or report, Plan/Report Title: _____

Briefly provide the justification and a description on how the conservation practice(s)/activity on this land will address the identified resource issues in the national, regional, state, or Tribal plan or report?

Section 4: Critical Resource

The conservation practice(s) or activity will be applied to the land that directly impacts a critical resource ad identified in a resource plan identified in section 3 and is within or adjacent to the agricultural operation. Must meet one or more of the following critical resources: (check all that apply):

- ☐ Air Quality, nonattainment area _____
- ☐ Coastal Resources (Coastal zones as identified per the Coastal Zone Management Act of 1972 that have a direct and significant impact on coastal waters)
  Name of coastal resource: _____
- ☐ Federal or State listed threatened, endangered, candidate species or concern, or at risk species.
  List species: _____
- ☐ Groundwater recharge area; Name of recharge area _____
- ☐ Historical or cultural resource; List historical or cultural resource: _____
  (Submit a letter from State or Tribal Historical Preservation Officer that supports this conservation practice(s)/activity on the subject land).
- ☐ Prime or Unique Farmland
- ☐ Water Quality
- ☐ Wetlands
- ☐ Other critical resource issues, such as climate change and energy conservation: _____

Briefly describe how the conservation practice(s)/activity will benefit the identified critical resource(s) (identified in the above list) on the subject land:

Page 2 of 3

Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet for Conservation Reserve Program (Continued)

Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet
For Conservation Reserve Program *(Continued)*

Section 5: Package Submission Requirements

Include the following in the submission package: **(all items required):**

☐ Overview of the conservation practice(s)/activity to be implemented on the environmentally sensitive land, describe the current resource baseline condition and the future condition, include objectives and describe how this project(s) on the producer's land is a critical or integral component in achieving federal, regional, tribal or state plan objectives (i.e., size of the land area under review in relation to the amount of critical areas to be addressed or needing treatment).

☐ National, regional, state, or Tribal Plan referenced in Section 3. (Provide copy of pertinent information from the plan and appropriate web link, if a web link to document is available on the internet).

☐ Aerial photograph of the producer's land to be enrolled in the USDA program and surrounding project area. (Identify on the photograph the planned conservation practice(s)/activities).

☐ Letter of support from federal (other than FSA)/Tribal/State Agency or regional commission within expertise regarding the critical resource (e.g. the project will benefit threatened and endangered species, a letter of support from US Fish and Wildlife Service and/or the State Fish and Wildlife Agency).

☐ Producer's written request for the AGI waiver.

Section 6: Certification

STC

I have completed a review of this AGI waiver request package and find it to be complete. (If not supported, file for further reference).

☐ Support ☐ Do Not Support, Reason: _____

STC: _____ Date: _____

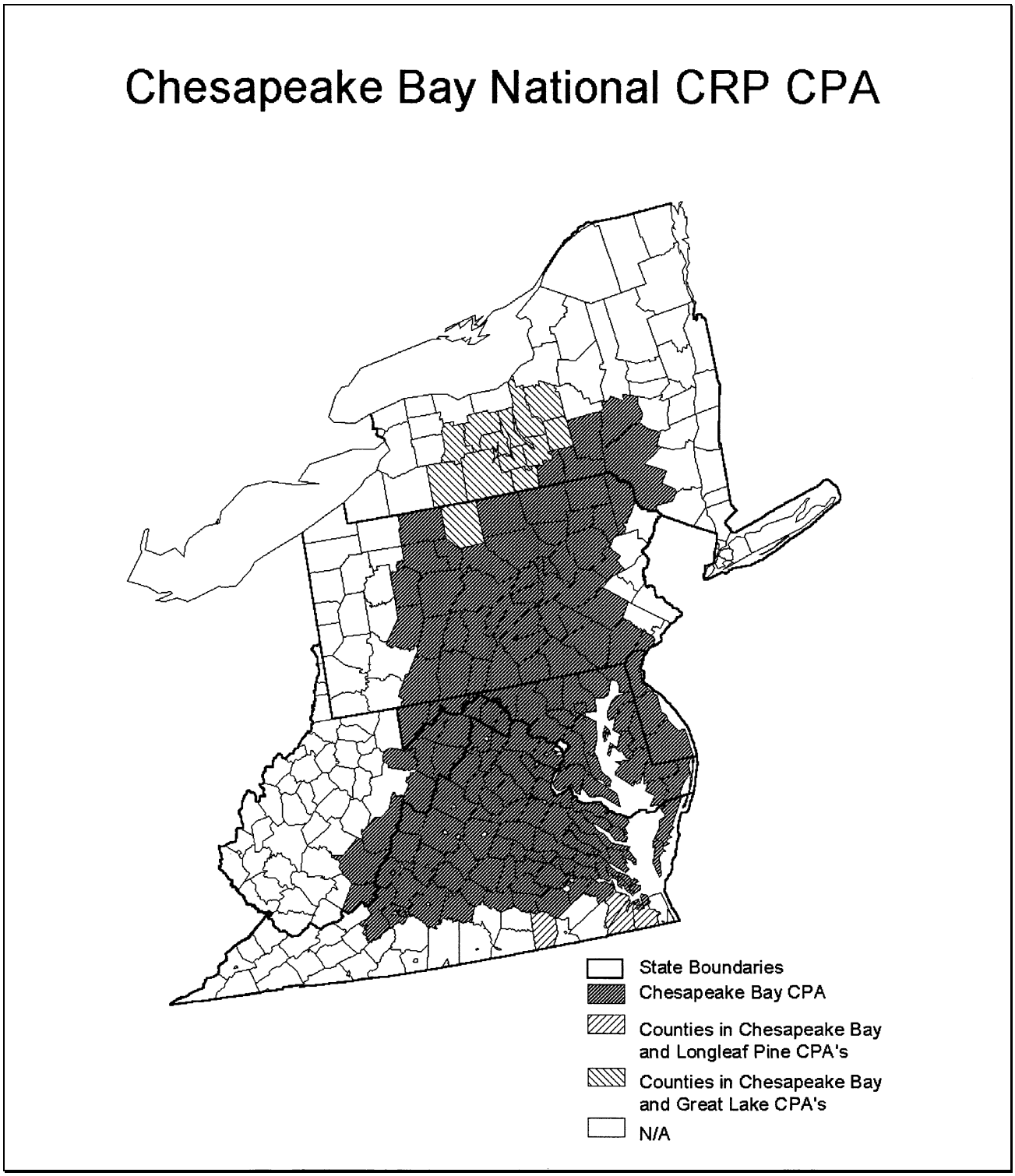
Administrator Approval

☐ Approved ☐ Not Approved, Reason: _____

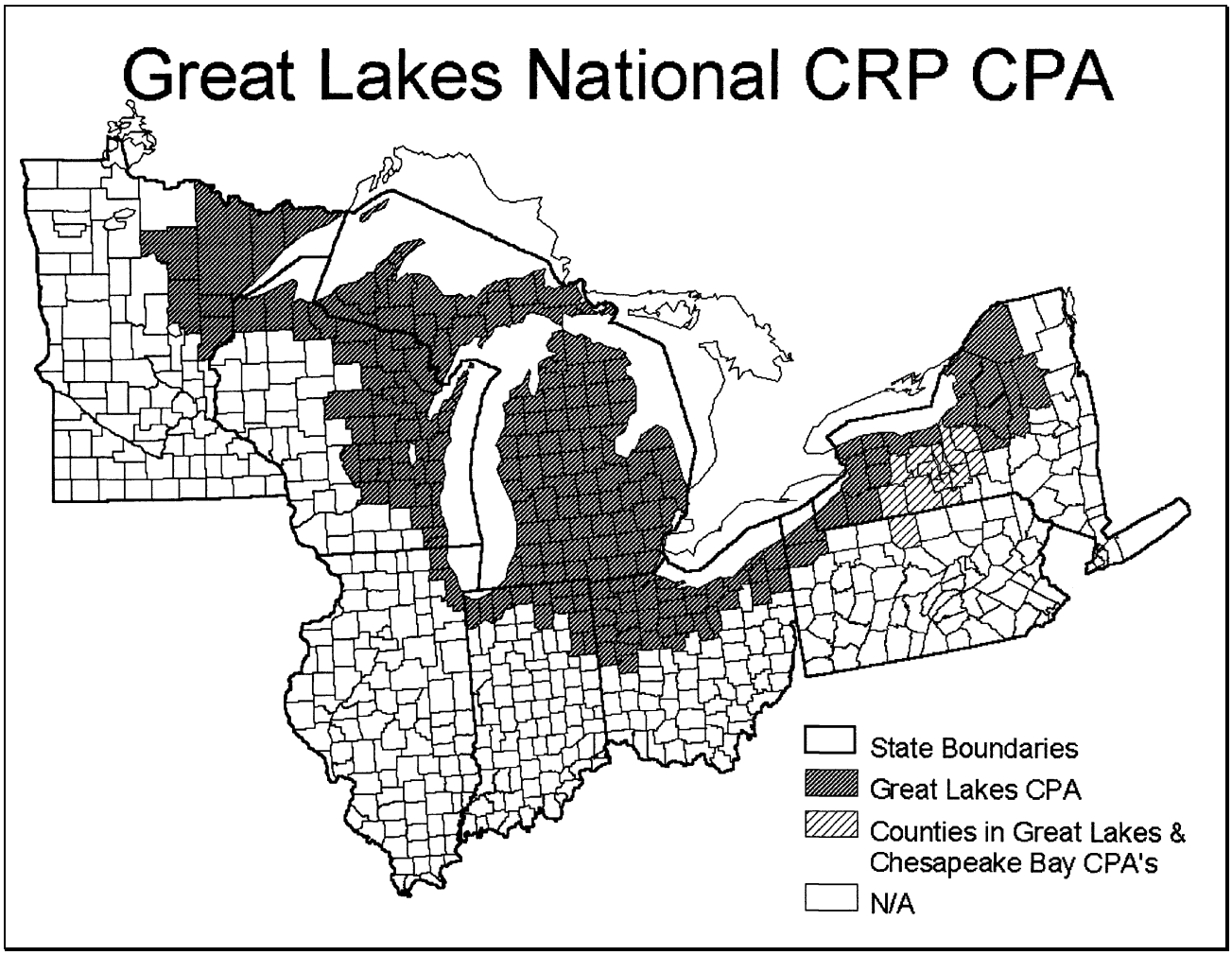
Administrator: _____ Date: _____

Note: Waiver determinations for conservation programs will be based on the year for which the conservation program contract or agreement is approved and the determination will apply for the entire term of the subject agreement or contract.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer

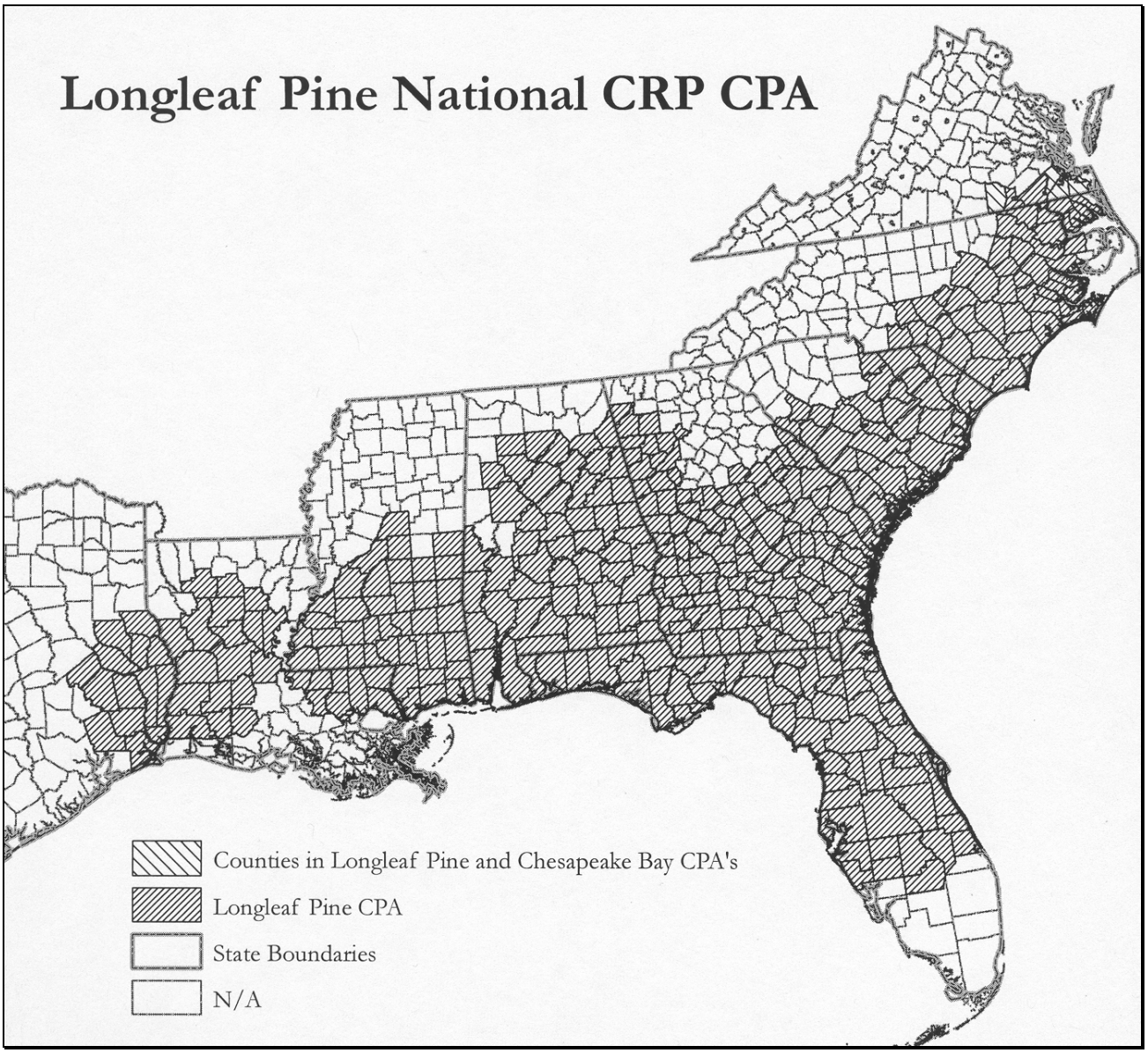

Chesapeake Bay National CRP CPA
State Boundaries
Chesapeake Bay CPA
Counties in Chesapeake Bay and Longleaf Pine CPA's
Counties in Chesapeake Bay and Great Lake CPA's
N/A

National CPA's (Continued)

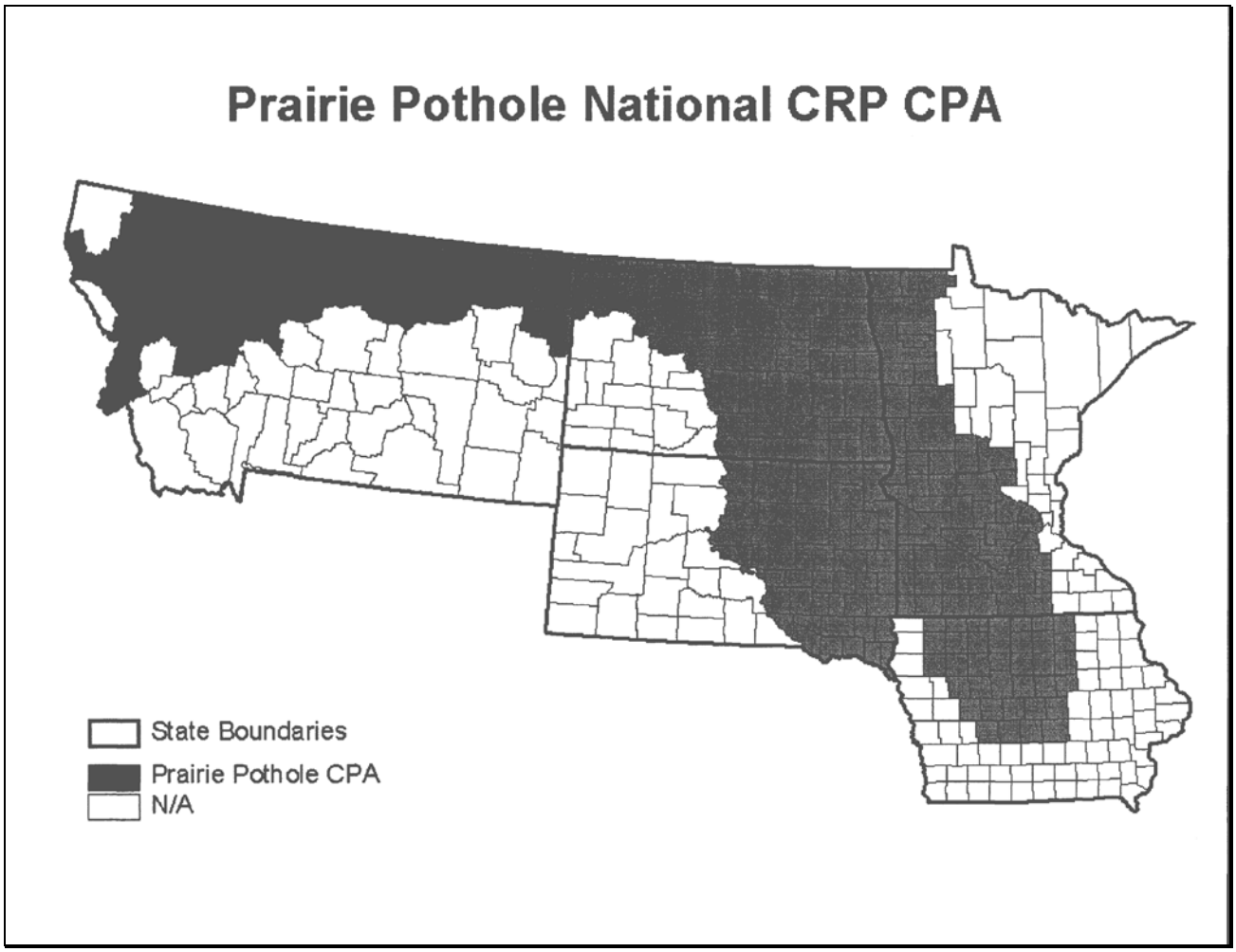


National CPA's (Continued)

National CPA's (Continued)



National CPA's (Continued)



CRP Signup Periods

The following provides the number and dates of CRP signup periods by program year.

Signup Number	Date	Program Year
1	3-3-86 through 3-14-86	1986
2	5-5-86 through 5-16-86	1986 and 1987
3	8-4-86 through 8-15-86	1986 and 1987
4	2-9-87 through 2-27-87	1987 and 1988
5	7-20-87 through 7-31-87	1987 and 1988
6	2-1-88 through 2-19-88	1988 and 1989
7	7-18-88 through 8-31-88	1988 and 1989
8	2-6-89 through 2-24-89	1989 and 1990
9	7-17-89 through 8-4-89	1989 and 1990
10	3-4-91 through 3-15-91	1991
11	7-8-91 through 7-19-91	1992
12	6-15-92 through 6-26-92	1993
13	9-11-95 through 9-22-95	1996 and 1997
14 *	9-3-96 through 9-30-97	1997 and 1998
15	3-3-97 through 3-28-97	1998 and 1999 **1**/
16	10-14-97 through 11-14-97	1998 and 1999 **2**/ **3**/
17 *	10-1-97 through 9-30-98	1998 and 1999
18	10-26-98 through 12-11-98	2000
19 *	10-1-98 through 9-30-99	1999 and 2000
20	1-18-2000 through 2-11-2000	2001

***** Denotes continuous signup numbers.

1/ Acreage currently enrolled in CRP that expires September 30, 1997, is eligible to be offered for enrollment only with a program year of 1998. See paragraph 151.

2/ Acreage currently enrolled in CRP that expires September 30, 1998, is eligible to be offered for enrollment only with a program year of 1999. See paragraph 151.

3/ Acreage previously enrolled in CRP that expired September 30, 1997, is eligible to be offered for enrollment with a program year of 1998 or 1999. See paragraph 402.

CRP Signup Periods (Continued)

Signup Number	Date	Program Year
21 *	10-1-99 through 4-6-2000	2000 and 2001
22 *	4-6-2000 through 9-30-2000	2000 and 2001
23 *	10-1-2000 through 9-30-2001	2001 and 2002
24 *	10-1-2001 through 9-30-2002	2002 and 2003
25 *	10-1-2002 through 9-30-2003	2003 and 2004
26	5-5-2003 through 6-13-2003	2004 and 2005
27 *	5-5-2003 through 9-30-2003	2003 and 2004
28 *	10-1-2003 through 9-30-2004	2004 and 2005
29	8-30-2004 through 9-24-2004	2006 and 2007
30 *	10-1-2004 through 9-30-2005	2005 and 2006
31 *	10-1-2005 through 9-30-2006	2006 and 2007
32 **	2-1-2006 through 12-31-2006	2008 through 2011
33	3-27-2006 through 4-28-2006	2007
34 *	7-17-2006 through 10-20-2006	2007 and 2008
35 *	10-1-2006 through 9-30-2007	2007 and 2008
36 *	10-1-2007 through 9-30-2008	2008 and 2009
37 *	10-1-2008 through 9-30-2009	2009 and 2010
38 *	10-1-2009 through 9-30-2010	2010 and 2011
39	8-2-2010 through 8-27-2010	2011
40 *	10-1-2010 through 9-30-2011	2011 and 2012
41	3-14-2011 through 4-15-2011	2012
42 *	10-1-2011 through 9-30-2012	2012 and 2013
43	3-12-2012 through 4-6-2012	2013
*--44	5-13-2013 through 9-30-2013	2013 and 2014
45	5-20-2013 through 6-14-2013	2014--*

***** Denotes continuous signup numbers.
****** Denotes REX.

***--Note:** See paragraph 171 for continuous signup number, dates, and program year information.--*

Completing CRP-1, Conservation Reserve Program Contract

A Completing CRP-1

Complete CRP-1 according to the following.

Note: See paragraphs 213 and 214 for more information on CRP-1's for continuous signup.

Item	Instructions
1	Enter State and county codes.
2	Enter signup number.
3	***--**For CREP and FWP **only**, enter CRP-1 number after approval by a CCC representative. Number CRP-1's in the sequence in which COC or CED approves**--*** them. Use only 1 series (1, 2, 3, etc., up to 8999), regardless of FY in which CRP is approved.
4	Enter the acreage to be enrolled in CRP. **Important:** This amount may have to be corrected after completion of a paid-for measurement service. See paragraph 401. All changes **must** be initialed and dated by both the employee making the change and the producer.
5	Enter farm number. Use the same number on all forms.
6	Enter tract number.
7	Enter County Office address and telephone number.
8	Check the applicable box. Only 1 offer type may be selected per CRP-1. **Note:** All eligible practices for continuous signup are EP.
9	Enter the CRP-1 period. **Note:** All CRP-1's expire on September 30 of the applicable year.

A Completing CRP-1 (Continued)

Item	Instructions
10 A	***--**For FWP and CREP, producer shall enter the rental rate per acre offered. For all**--*** other contracts, the producer must initial and date. **Important:** CRP-1, item 10 A **must** be the same amount entered on CRP-2, item 9. **Note**: Producers may offer less than the maximum payment rate.
10 B	Enter the annual contract payment. Calculate the annual contract payment by multiplying the acres for enrollment (item 4) times the rental rate per acre offered (item 10 A). **Important:** This amount may have to be corrected after completion of a paid-for measurement service. See paragraph 401. All changes on CRP-1 **must** be initialed and dated by both the employee making the change and the producer.
10 C	For continuous signup offers, enter the first year payment amount, if the first annual rental payment will be prorated. See paragraph 198. For general signup offers, leave blank.
11	Enter the: • tract number • field number • practice or practices the producer wants to install • applicable acreage amount • total estimated C/S per practice. **Note:** Only 1 practice length is permitted per CRP-1. See paragraphs 211 and 332.
12	For FWP and CREP, owners and operators are responsible for completing item 12 and providing the division of shares. *** * *** For all other CRP contracts, the County Office shall enter applicable producer and share information through COLS.
13	CCC representative shall sign and date when all eligibility requirements have been met. See paragraph 401.

B Example of CRP-1

The following is an example of a completed CRP-1.

*--

This form is available electronically.

CRP-1 (03-26-04)

U.S. DEPARTMENT OF AGRICULTURE
Commodity Credit Corporation

CONSERVATION RESERVE PROGRAM CONTRACT

NOTE: The authority for collecting the following information is Pub. L. 107-171. This authority allows for the collection of information without prior OMB approval mandated by the Paperwork Reduction Act of 1995. The time required to complete this information collection is estimated to average 4 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

1. ST. & CO. CODE & ADMIN. LOCATION: 24-003	2. SIGN-UP NUMBER: 29
3. CONTRACT NUMBER:	4. ACRES FOR ENROLLMENT: 50.0
5. FARM NUMBER: 305	6. TRACT NUMBER(S): 10
7. COUNTY OFFICE ADDRESS (Include Zip Code): Madison County FSA Office, 127 Willow Road, Madisonville, VA 20020	8. OFFER (Select one): GENERAL [X] ENVIRONMENTAL PRIORITY [ ]
TELEPHONE NUMBER (Include Area Code): (212) 555-1234	9. CONTRACT PERIOD FROM: (MM-DD-YYYY) 10-01-200X TO: (MM-DD-YYYY) 09-30-200X

THIS CONTRACT is entered into between the Commodity Credit Corporation (referred to as "CCC") and the undersigned owners, operators, or tenants (who may be referred to as "the Participant".) The Participant agrees to place the designated acreage into the Conservation Reserve Program ("CRP") or other use set by CCC for the stipulated contract period from the date the Contract is executed by the CCC. The Participant also agrees to implement on such designated acreage the Conservation Plan developed for such acreage and approved by the CCC and the Participant. Additionally, the Participant and CCC agree to comply with the terms and conditions contained in this Contract, including the Appendix to this Contract, entitled Appendix to CRP-1, Conservation Reserve Program Contract (referred to as "Appendix"). By signing below, the Participant acknowledges that a copy of the Appendix for the applicable sign-up period has been provided to such person. Such person also agrees to pay such liquidated damages in an amount specified in the Appendix if the Participant withdraws prior to CCC acceptance or rejection. ***The terms and conditions of this contract are contained in this Form CRP-1 and in the CRP-1 Appendix and any addendum thereto. BY SIGNING THIS CONTRACT PRODUCERS ACKNOWLEDGE RECEIPT OF THE FOLLOWING FORMS: CRP-1; CRP-1 Appendix and any addendum thereto; CRP-2 or CRP-2C, if applicable; and, if applicable, CRP-15.***

10A. Rental Rate Per Acre	$	45.00
B. Annual Contract Payment	$	2,250.00
C. First Year Payment	$	

(Item 10C applicable only to continuous signup when the first year payment is prorated.)

11. Identification of CRP Land *(See Page 2 for additional space)*

A. Tract No.	B. Field No.	C. Practice No.	D. Acres	E. Total Estimated Cost-Share
10	1	CP2	50	$1,000

12. PARTICIPANTS

A(1). PARTICIPANT'S NAME AND ADDRESS (Zip Code): Mike J. Jones, Bowie, MD 20653	(2) SHARE: 50 %	(3) SOCIAL SECURITY NUMBER: (4) SIGNATURE: /s/ Mike J. Jones; DATE (MM-DD-YYYY): (If more than three individuals are signing, continue on attachment.)
B(1). PARTICIPANT'S NAME AND ADDRESS (Zip Code): James Jones, New Carrolton, MD 20784	(2) SHARE: 50 %	(3) SOCIAL SECURITY NUMBER: (4) SIGNATURE: /s/ James Jones; DATE (MM-DD-YYYY): 09-14-2004 (If more than three individuals are signing, continue on attachment.)
C(1). PARTICIPANT'S NAME AND ADDRESS (Zip Code): (If more than three individuals are signing, continue on attachment.)	(2) SHARE: %	(3) SOCIAL SECURITY NUMBER: (4) SIGNATURE: DATE (MM-DD-YYYY): (If more than three individuals are signing, continue on attachment.)

13. **CCC USE ONLY** - *Payments according to the shares are approved.*	A. SIGNATURE OF CCC REPRESENTATIVE: /s/ COC Person	B. DATE (MM-DD-YYYY): 11-15-2004

NOTE: *The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is the Food Security Act of 1985, (Pub. L. 99-198), as amended and the Farm Security and Rural Investment Act of 2002 (Pub. L. 107-171) and regulations promulgated at 7 CFR Part 1410 and the Internal Revenue Code (26 USC 6109). The information requested is necessary for CCC to consider and process the offer to enter into a Conservation Reserve Program Contract, to assist in determining eligibility, and to determine the correct parties to the contract. Furnishing the requested information is voluntary. Failure to furnish the requested information will result in determination of ineligibility for certain program benefits and other financial assistance administered by USDA agency. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies, and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 651, 1001; 15 USC 714m; and 31 USC 3729, may be applicable to the information provided.* ***RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.***

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[ ] Original - County Office Copy [ ] Owner's Copy [ ] Operator's Copy

B Example of CRP-1 (Continued)

CRP-1 (03-26-04) Page 2

Continuation of Item 11 - Identification of CRP Land

A. TRACT NO.	B. FIELD NO.	C. PRACTICE NO.	D. ACRES	E. TOTAL ESTIMATED C/S	CONTRACT PERIOD *(MM-DD-YYYY)*	
					F. FROM	G. TO

C Distributing CRP-1

Distribute CRP-1, after it has been completed and all signatures have been obtained, as follows:

- keep original in files
- provide a copy to the following:
    - owner
    - participant other than owner, if any
    - NRCS.

EBI and National Ranking Factors

1 EBI

A Background

EBI has been used by USDA to prioritize and rank CRP offers since signup 10.

B EBI Process and Factor Scoring

The National EBI process will be used to rank and prioritize offers for enrollment into CRP for general signup offers.

Producers must be provided a fact sheet describing EBI. FSA shall review the fact sheet with producers to ensure that producers are aware of the scoring process used for EBI. Producers shall sign CRP-2 to certify that they were informed of EBI and opportunities to enhance their score.

--**FSA will review EBI scoring parameters with the producers and encourage the planting of new or maintaining of existing cover types and conservation measures, if appropriate, that will**-- provide higher environmental benefits. FSA employees must notify producers that submitting offers with annual rental payments less than the maximum payment rate will result in higher EBI scores.

C Overview of the National EBI

The National EBI includes 5 environmental ranking factors and a cost factor.

- N1, Wildlife Habitat Cover Benefits
- N2, Water Quality Benefits From Reduced Erosion, Runoff and Leaching
- N3, On-Farm Benefits of Reduced Erosion
- N4, Enduring Benefits
- N5, Air Quality Benefits
- N6, Cost.

EBI provides a relative ranking of estimated environmental benefits and cost for land offered for CRP.

N1 + N2 + N3 + N4 + N5 + N6 = National EBI Score.

EBI and National Ranking Factors (Continued)

1 EBI (Continued)

C Overview of the National EBI (Continued)

The following table illustrates the National ranking factors.
*--

Factor	Maximum Points	Equation/Scoring Parameters
N1	100	Wildlife Habitat Cover Benefits (10 to 100 points) N1 = (N1a +N1b +N1c) where: • N1a is the cover subfactor (10 to 50 points) • N1b is Wildlife enhancements (0, 5, or 20 points) • N1c is Wildlife priority zones (0 or 30 points).
N2	100	Water Quality Benefits From Reduced Erosion, Runoff, and Leaching (0 to 100 points) N2=(N2a +N2b +N2c)where: • N2a is the water quality zones subfactor (0 or 30 points) • N2b is the groundwater quality subfactor (0 to 25 points) • N2c is the surface water quality subfactor (0 to 45 points).
N3	100	On-Farm Benefits of Reduced Erosion (0 to 100 points)
N4	50	Enduring benefits point range (0 to 50 points)
N5	45	Air Quality Benefits (0 to 45 points) N5 = N5a + N5b + N5c + N5d where: • N5a is the wind erosion impacts subfactor (0 to 25 points) • N5b is the wind erosion soils list subfactor (0 or 5 points) • N5c is the air quality zone (0 or 5 points) • N5d is carbon sequestration factor (0 to 10 points).
N6	/1	N6 = N6a + N6b where: • N6a is the cost factor • N6b is the offer is less than maximum payment rate (0 to 25 points).

1/ Points assigned to cost factor will be determined after signup ends and all the offers are evaluated. This factor will be based on the rental rate offered and the maximum payment rate.

EBI and National Ranking Factors (Continued)

2 National Ranking Factor N1 - Wildlife Habitat Cover Benefits

A Summary

10 to 100 points determined using subfactors in the formula:

N1a + N1b + N1c = N1

Wildlife species, both game and nongame, benefit most from the availability of appropriate wildlife habitat. CRP provides the opportunity to develop habitat that will benefit a variety of wildlife species.

Note: Producers with existing cover shall be informed that C/S may be available for cover enhancement.

This factor encourages landowners to plant cover on contract acreage that will be beneficial to wildlife. Subfactor N1a assigns a score to the quality of the cover to be applied to the practice.

Existing CRP covers on acreage being offered for re-enrollment may be improved to provide better wildlife habitat and increase the N1a subfactor score for the offer. Subfactor N1a points are awarded based on the weighted average point score associated with the offered acreage by practice point score.

Approved cover is expected to be seeded or planted within 12 months of the effective date of CRP-1. However, TSP may *** * ***, in developing the conservation plan, *** * *** permit an additional 12 months, not to exceed 24 continuous months, to seed the approved cover. This flexibility should be permitted to allow the establishment of approved cover in a manner that will not adversely impact the natural resources of the site or surrounding area.

For each practice, the conservation plan shall include:

- management activity or activities to maintain or enhance the plant community diversity and plant vigor

- a schedule of maintenance activities and various maintenance options.

EBI and National Ranking Factors (Continued)

2 National Ranking Factor N1 - Wildlife Habitat Cover Benefits (Continued)

B Subfactor N1a - Cover

Cover and practices beneficial to wildlife (10 to 50 points maximum). The Wildlife Habitat Cover Benefits Factor (N1a) will provide practice seeding mixes and management options that provide habitat for important and declining species of national, regional, State, or local
--**significance in each State. NRCS State Biologist will work with the NRCS State Plant**--
Materials Specialist, State Wildlife Agency and FWS to revise or develop seeding mixes and management recommendations for the above mentioned species or groups of species. *** * *** Nonaggressive introduced species may be used for up to 2 species in the mixes. The number of seeding mixes developed is up to each State. Special seeding mixes and planting rates may be developed for arid areas and areas of limited native seed availability -- subject to approval by DAFP.

Seeding mixes should to the maximum extent practicable be comprised of locally collected native "eco-type" (seed mixes native to local area) seed for native seedings.

***--**On the land with existing/expiring CRP acreage, the offer should be ranked on the desired plant community that the producer plans on establishing or maintaining for the site.

Example 1: A producer with an existing stand of a monoculture of crested wheatgrass would like to reenroll the entire stand. The producer would like to enhance the stand to 4 species of introduced grasses, including at least 1 forb or legume. The offer would be ranked as a 40 point CP1 stand.

Example 2: A producer with an expiring CRP contract that was originally planted to a monoculture of western wheatgrass (native grass) would like to reenroll into CRP. During the CRP contract period of the last 10 years, a number of native grasses. forbs, and legumes have naturally generated into the existing CRP cover stand. The producer believes that the site has evolved into a 50 point CP2 cover stand. The producer offers the site as a 50 points CP2 cover. The offer is ranked as a 50 point CP2 cover. During the conservation planning process a site visit indicates that only 2 native grasses and 1 forb are in the cover. The producer is required to inter-seed into the stand to achieve the 50 point cover for which the offer was scored.**--***

EBI and National Ranking Factors (Continued)

2 National Ranking Factor N1 - Wildlife Habitat Cover Benefits (Continued)

B Subfactor N1a - Cover (Continued)

CP/Cover Matrix

Evaluate this subfactor based on the covers expected to become established. FSA or TSP shall only allow those covers that are suitable for the site designated for the offer.

Practice 1/	**Assigned Point Score**
CP1 Permanent introduced grasses and legumes	
--Existing stand of 1 to 3 species or planting new stand of 2 to 3 species of-- an introduced grass species	10
Existing stand or planting mixture (minimum of 4 species) of at least 3 introduced grasses and at least 1 forb or legume species best suited for wildlife in the area	40
CP2 Permanent native grasses and legumes	
--Existing stand (minimum 1 to 3 species) or planting new mixed stand-- (minimum of 3 species) of at least 2 native grass species and at least 1 forb, or legume species beneficial to wildlife.	20
Existing stand or planting mixed stand (minimum of 5 species) of at least 3 native grasses and at least 1 shrub, forb, or legume species best suited for wildlife in the area.	50
CP3 Tree planting (general) 2/	
*--Southern Pines (Softwoods) - Solid stand of pines/softwoods (existing according to State-developed standards or planted at more than 550 trees per acre).	10
Northern Conifers (Softwoods) - Solid stand of conifers/softwoods (existing according to State-developed standards or planted at more than 850 trees per acre).	
Western Pines (Softwoods) - Solid stand of pines/softwoods (existing according to State-developed standards or planted at more than 650 trees--* per acre).	
Southern Pines (Softwoods) - Pines/softwoods existing or planted at a rate of 500 to 550 per acre depending upon the site index (State-developed standards) with 10 to 20 percent openings managed to a CP4D wildlife cover.	50
Northern Conifers (Softwoods) - Conifers/softwoods existing or planted at a rate of 750 to 850 trees per acre depending upon the site index (State-developed standards) with 10 to 20 percent openings managed to a CP4D wildlife cover.	
Western Pines (Softwoods) - Western Pines (softwoods) - Pines/softwoods existing planted at a rate of 550 to 650 per acre depending upon the site index (State-developed standards) with 10 to 20 percent openings managed to a CP4D wildlife cover.	

EBI and National Ranking Factors (Continued)

2 National Ranking Factor N1 - Wildlife Habitat Cover Benefits (Continued)

B Subfactor N1a - Cover (Continued)

Practice 1/	**Assigned Point Score**
Opening for Southern and Western Pines are not to be less than a minimum of 2 acres or a maximum of 5 acres in size for fields of 20 acres and larger. For smaller fields will be based upon percentage. Opening in Northern conifers will be one-half to 2 acres in size. Opening may include buffers on the interior of the field. Field edges (borders) may be used if they are irregular in shape and average 30 feet in width. Natural regeneration of native herbaceous or shrubby vegetation with required maintenance may be permitted within open areas if it is consistent with NRCS technical standards and concurred with by State FWS or U.S. FWS Officials. Open areas of native grasses and/or shrub planting best suited for wildlife in the area shall be considered CP3 for EBI scoring and contract purposes.	50

EBI and National Ranking Factors (Continued)

2 National Ranking Factor N1 - Wildlife Habitat Cover Benefits (Continued)

B Subfactor N1a - Cover (Continued)

Practice 1/	**Assigned Point Score**
CP3A Hardwood tree planting 2/	
***--**Existing or planting solid stand of nonmast producing hardwood species	10
Existing or planting solid stand of a single hard mast-producing species	20
Existing or planting mixed stand of hardwood species best suited for wildlife in the area	30
Existing or planting mixed Stand (3 or more species) of hardwood species best suited for wildlife in the area	50
Existing or planting longleaf Pine or Atlantic White Cedar - Planted at rates appropriate for the site index.	50
CP4B Permanent wildlife habitat (corridors), noneasement	
Existing or planting mixed stand (minimum of 4 species) of grasses, trees, shrubs, forbs, or legumes planted in mixes, blocks, or strips best suited for various wildlife species in the area. A wildlife conservation plan must be developed with the participant.	40
Existing or planting mixed stand (minimum of 5 species) of either of--* predominately native species including grasses, forbs, legumes, shrubs, or trees planted in mixes, blocks, or strips best suited to providing wildlife habitat. **Only native grasses are authorized. Introduced grasses are not authorized and shall not be included in cover mixes for 50-point N1a scores for CP4B.** A wildlife conservation plan must be developed with the participant.	50

EBI and National Ranking Factors (Continued)

2 National Ranking Factor N1 - Wildlife Habitat Cover Benefits (Continued)

B Subfactor N1a - Cover (Continued)

Practice 1/	**Assigned Point Score**
CP4D Permanent wildlife habitat, noneasement	
***--**Existing or planting mixed stand (minimum of 4 species) of grasses, trees, shrubs, forbs, or legumes planted in mixes, blocks, or strips best suited for various wildlife species in the area. A wildlife conservation plan must be developed with the participant.	40
Existing or planting mixed stand (minimum of 5 species) of either of--***** predominately native species including grasses, forbs, legumes, shrubs, or trees planted in mixes, blocks, or strips best suited to providing wildlife habitat. **Only native grasses are authorized. Introduced grasses are not authorized and shall not be included in cover mixes for 50-point N1a scores for CP4B.** A wildlife conservation plan must be developed with the participant.	50
*** * ***	*** * ***

EBI and National Ranking Factors (Continued)

2 National Ranking Factor N1 - Wildlife Habitat Cover Benefits (Continued)

B Subfactor N1a - Cover (Continued)

Practice	Assigned Point Score
* * *	* * *
CP12 Wildlife food plot 3/	
Wildlife food plots are small noncost-shared plantings in a larger area. Wildlife food plots will never be the predominant cover.	NA
CP25 Rare and declining habitat restoration 4/	
*--Existing stand or seeding or planting will be best suited for wildlife in the area. Plant species selections will be based upon Ecological Site Description data.	50
CP42 Pollinator habitat	
Existing stand or planting (minimum of .5 acres) of a diverse mix of multiple species suited for pollinators	50--*

1/ Cover that is existing or will be established must accomplish the purpose of the practice.--*

2/ State Conservationist may revise FOTG on planting rate to be consistent with CRP.

3/ CP12 acreage is not included in the weighted average point score. For example, a 50-acre offer with a 45-acre CP25 planting and a 5-acre food plot calculates the weighted average using only the 45 acres of CP25 planting.

45 acres x 50 points (CP25 point score) = 2250 points
--2250 points divided by 45 acres = 50 points--

4/ Technical practice standards for the selected habitat type must meet applicable standards and be approved by DAFP at least 30 calendar days before the beginning of signup

EBI and National Ranking Factors (Continued)

2 National Ranking Factor N1 - Wildlife Habitat Cover Benefits (Continued)

C Subfactor N1b - Cover

Subfactor N1b - Wildlife Improvement (0 to 20 points maximum).

Producers must be notified that, if accepted in CRP, food plots must be maintained for the term of CRP-1. Producers offering food plots must be notified of the planting and maintenance requirements before the offer is submitted.

Points are based on the following table. Maximum point score is 20 points. The factors are **not** additive.

Producers must be informed before signup that the acreage must be maintained for the life of the contract according to practice standards.

<table>
<tr><th>*--Wildlife Enhancement Signup 45--*</th><th>Points</th></tr>
<tr><td>Conversion of at least 51 percent of a primarily monoculture stand to a mixture of native species that provide wildlife habitat benefits. <u>1</u>/</td><td>20</td></tr>
<tr><td>Establishment of pollinator habitat CP42 that remains in the location of CRP-1. The habitat size, shape, and composition must meet the following requirements.

Size
<table>
<tr><th>CRP Acreage Offered</th><th>Habitat Size Requirement</th></tr>
<tr><td>Less than 10 acres</td><td>At least 1 acre of pollinator habitat. Habitat areas must be at least .5 acre.</td></tr>
<tr><td>10 acres or greater</td><td>At least 10 percent of acreage offered in pollinator habitat. Habitat areas must be at least .5 acre.</td></tr>
</table></td><td>20</td></tr>
</table>

EBI and National Ranking Factors (Continued)

2 National Ranking Factor N1 - Wildlife Habitat Cover Benefits (Continued)

C Subfactor N1b - Cover (Continued)

--Wildlife Enhancement Signup 45--						Points
Annual or permanent food plot (CP12) that remains in the same location for the contract length or rotated food plot for which the location changes during CRP-1 length. CP12 food plots must be consistent with NRCS FOTG up to 10 percent of a field, not to exceed 5 acres per field. **Example:** A producer would like to enroll 200 acres. Field 1 is 120 acres, Field 2 is 45 acres, and Field 3 is 35 acres.						5
Field	**Size**	**NRCS FOTG Limit**	**10 Percent Limit**	**5 Acres**	**Limited CP12**	
1	120	12	12 acres	5	5	
2	45	4.5	4.5 acres	5	4.5	
3	35	3.5	3.5 acres	5	3.5	
					13.0	
Note: CP12, the NRCS FOTG standard, is limited by the lessor of either 10 percent of the field size or 5 acres/field for the food plot. The 5 acres of food plot may be either one 5-acre food plot or 2 or more food plots where the cumulative total would be ≤ 5 acres.						

1/ At least 51 percent of the land enhanced must be on a stand comprised of primarily a monoculture (fescue, crested wheatgrass, bermuda grass, etc.) on expired (such as a contract that expired in 2010) and/or expiring CRP land. In the case of a monoculture of trees (such as loblolly pine), the contract shall be on land expiring.

Note: Expiring CRP land with trees loses its cropland status after the expiration of the contract.

Points are not awarded for land in a crop production (wheat field, corn ground, etc.).

EBI and National Ranking Factors (Continued)

2 National Ranking Factor N1 - Wildlife Habitat Cover Benefits (Continued)

D Subfactor N1c - Wildlife Priority Zones

Location where proposed land may contribute to restoration of habitat of Threatened or Endangered Species or contribute to the restoration of important and declining species of National, Regional, State, or Local Significance. Restoration of rare and declining native habitat (Long Leaf Pine, Tall Grass Prairie, etc.) may also be addressed. (0 or 30 points maximum)

Assign 30 points if at least 51 percent of the offered acreage is within an approved area and the *--weighted average N1a score is greater than or equal to 40 points.--*

STC shall submit geographic areas (whole counties or 8-, 10-, * * * or 12-digit HUC) the specific conservation practices and the species of concern or specific habitat restoration, such as tall grass prairie, that would be addressed by the habitat restoration.

* * *

3 National Ranking Factor N2 - Water Quality Benefits From Reduced Erosion, Runoff, and Leaching

A Summary

0 to 100 points determined by adding subfactors using the formula: N2 = N2a + N2b + N2c

CRP can improve water quality by reducing:

- sediment, nutrients, and other pollutants from entering the Nation's water courses and aquifers
- downstream flood damage through the restoration of hydrology
- the leaching of nitrates and pesticides into groundwater.

EBI and National Ranking Factors (Continued)

3 National Ranking Factor N2 - Water Quality Benefits From Reduced Erosion, Runoff, and Leaching (Continued)

A Summary (Continued)

Water quality benefits are dependent on the:

- extent to which erosion, runoff, and leaching are reduced
- population that may be affected
- location of the CRP acreage:
    - with respect to water resources
    - within priority water quality areas.

B Subfactor N2a - Water Quality Zones

Location where proposed land may contribute to groundwater or surface water quality impairment and to assist in meeting Federal, State, or local water quality laws. (0 or 30 points maximum)

Assign 30 points if at least 51 percent of the offered acreage is within zones recommended by the State Technical Committee and STC and approved by DAFP as high priority water resources.

STC shall:

- consult with the State Technical Committee in developing recommendations
- take into consideration that a goal of EBI is to provide gradation of offers
- prioritize and approve only the highest priority water resources of the State.

Only the highest priority zones shall be approved.

A minimum **of at least 51 percent** of the offered acreage must be within the designated area to be awarded points. Otherwise, assign 0 points.

C Subfactor N2b - Groundwater Quality

Groundwater quality benefits score (0 to 25 points maximum).

The leach index characterizes the inherent potential for the movement of nutrients and pesticides for a specific soil. The index is based on soil properties, including particle size and organic matter.

3 National Ranking Factor N2 - Water Quality Benefits From Reduced Erosion, Runoff, and Leaching (Continued)

C Subfactor N2b - Groundwater Quality (Continued)

The COLS software determines the weighted average leach index for the 3 predominant soils and looks up the appropriate county specific value. Table values are based on:

- leach index for acres offered
- county pesticide leaching potential
- county nitrogen leaching potential
- population obtaining drinking water from wells in each county.

Example: A 110-acre field is offered composed of 2 soil map units. 70 acres have a leach index of 1, and the remaining 40 acres have a leach index of 3. The average leach index is (70 x 1) + (40 x 3) ÷ 110 = 1.73, which is rounded to the nearest whole number 2. Based on the following sample table, if the acres were located in Barbour County, Alabama, a value of 12 would be entered for subfactor B.

	--Ground Water Subfactor for Signup 45--		
	Leach Index		
County	**1**	**2**	**3**
1001 - Autauga	6	13	20
1003 - Baldwin	8	12	16
1005 - Barbour	8	12	16
1007 - Bibb	8	12	20
1009 - Blount	2	8	14

D Subfactor N2c - Surface Water Quality

Surface water quality benefits score. (0 to 45 points maximum)

This subfactor evaluates the:

- potential amount of sediment that is delivered to water courses

- population within the watershed that would benefit most directly from improved surface water quality

EBI and National Ranking Factors (Continued)

3 National Ranking Factor N2 - Water Quality Benefits From Reduced Erosion, Runoff, and Leaching (Continued)

D Subfactor N2c - Surface Water Quality (Continued)

- the stream density and estimated sediment loadings that occur because of agriculture.

EPA studies have found that sediment is the primary water quality problem in the majority of rivers and streams.

The software tool will determine the weighted average RKLS for the 3 predominant soils for the offered acreage. Round RKLS to the nearest whole number using normal rules of rounding. Use the appropriate table value for the watershed in which at least 51 percent of the acreage is physically located.

For example:

	--Surface Water Subfactor - RKLS for Signup 45--				
Watershed	< 4	4 ≤ RKLS < 7	7 ≤ RKLS < 11	11 ≤ RKLS < 23	RKLS ≥ 23
01010001	1	5	10	15	21
01010002	1	5	10	15	21
01010003	5	10	15	22	27

4 National Ranking Factor N3 - On-Farm Benefits of Reduced Erosion

A Summary

On-Farm Benefits of Reduced Erosion. (0 to 100 points maximum)

The score for the weighted average EI for the 3 predominant soils on the land offered is determined by the greater of EI for:

- sheet and rill erosion (based off of RUSLE)
- wind erosion (based off of wind erosion equation).

Note: EI must be a whole number. Use normal rules of rounding.

Use the highest EI value (for the 3 predominate soils of the acreage offered) of either sheet and rill or wind erosion (do not add together). Use the table in subparagraph B to award points for the offer based on the highest EI value.

EBI and National Ranking Factors (Continued)

4 National Ranking Factor N3 - On-Farm Benefits of Reduced Erosion (Continued)

B EI Chart

EI (higher of wind or water EI) (0 to 100 points maximum)

EI - Sheet and Rill or Wind	Points
Less than 4	**0**
4	1
5	2
6	4
7	7
8	11
9	16
10	22
11	29
12	37
13	46
14	56
15	67
16	79
17	92
18	97
19	98
20	99
21 +	100

EBI and National Ranking Factors (Continued)

5 National Ranking Factor N4 - Enduring Benefits

A Summary

Enduring Benefits Beyond CRP-1 Period. (0 to 50 points maximum)

The N4 evaluates the likelihood that the practice established will persist and be maintained beyond the life span of CRP-1 and will provide benefits beyond the contract period

Land established with certain existing vegetation types, such as hardwood trees, softwood trees, or shrubs, is less likely to be returned to crop production after contract expiration. In addition, land re-established to a wetland ecosystem, or rare or declining habitat, is also less likely to return to crop production at the end of the contract period.

The N4 score is the sum of the weighted average scores using the N4 table provided below. To determine the N4 value, calculate the weighted average value for **all practices** using the N4 table. Round the result to the nearest whole number using the normal rules of rounding.

Use the following table to award N4 points. Score zero points if none of the following practices are offered.

Note: The practice selected must be appropriate for the site. Trees should not be selected on sites where trees are not a part of the ecosystem. For example: A tree stand should not be planted on a site where the climax vegetation for the site is range. The vegetation should be consistent with the ecosystem of the site.

Important: Food plots (CP12) are awarded 0 points.

--N4 Table - Signup 45--	Points
New hardwood tree (CP3A), longleaf pines, or Atlantic White Cedar plantings and CP25 where the plant community is existing or will be established to primarily trees	50
Existing or enhanced stand of hardwood Trees, Longleaf pine, and/or Atlantic White Cedar (CP3A)	40
New pine/softwood tree (CP3)	30
CP25, where the plant community is existing or will be established to a primarily grass and/or shrub complex or CP42	25
Existing pine/softwood tree (original contract signed as CP3)	20
All other conservation practices not listed (CP1, CP2, CP4B, CP4D)	0

5 National Ranking Factor N4 - Enduring Benefits (Continued)

A Summary (Continued)

Determine the weighted average value for enduring benefits using the appropriate value in the N4 table times the appropriate acres. Divide the sum by the total **acres on the offer**. Round the result to the nearest whole number using the normal rules of rounding. The result is the N4 score.

***--Example:** A 100-acre office is comprised of 50 acres of new hardwood planting (CP3A) and 50 acres of existing pine trees (CP3).

The N4 score is:
50 acres of (CP3A) hardwoods (with a practice status of "N") X 50 points/acre = **2,500 points**
50 acres of (CP3) pine (with a practice status of existing) X 20 points/acres = **1,000 points--***
3,500 points
3,500 points ÷ 100 acres = 35 points

N4 score = 35 points.

6 National Ranking Factor N5 - Air Quality Benefits From Reduced Wind Erosion

A Summary

National Ranking Factor N5 - Air Quality Benefits From Reduced Wind Erosion

This factor evaluates air quality improvements from reducing airborne dust and particulate (PM 10) from cropland wind erosion that causes damage to nearby affected population concentrations. In addition it provides points for the value of CRP land for Carbon
--**Sequestration. (3 to 45 points maximum)**--

The formula is: N5 = N5a + N5b + N5c+ N5d.

The air quality factor is comprised of 4 components. The first component (N5a) is based on the potential wind erosion, distance weighted population that may be impacted by wind erosion. The potential wind erosion erodibility shall be based on the weighted average value for the climatic factor (C) and soil erosion index (I).

The second component (N5b) is the impact associated with wind erosion of soils that contain material which is likely to be suspended in the air. Acreage offered is comprised of at least 51 percent or more of soils that are either of the following will be awarded 5 points:

- volcanic soils, or soils that are covered with volcanic material
- soils that are formed in organic material.

The third component (N5c) evaluates areas:

- where agriculture significantly impacts air quality (nonattainment of air quality standards)

- that are located within 50 miles of Class 1 air quality areas (National Parks with high quality air standards).

The forth component (N5d) provides points based on the relative ability to sequester carbon. This factor is based on the weighed average for the conservation practices using the N5d table.

EBI and National Ranking Factors (Continued)

6 National Ranking Factor N5 - Air Quality Benefits From Reduced Wind Erosion (Continued)

B Wind Erosion Impacts, Subfactor N5a

This subfactor evaluates wind erosion impacts. (0 to 25 points maximum)

Determine the county in which the majority of the acreage offered is physically located. Determine the weighted CI factor of the acreage offered. Using the revised county air quality table and the weighted CI factor the automated system will calculate the air quality points for factor N5a. These tables will **only** be used if the C value (wind erosion equation) is equal to or greater than 7. Otherwise, a value of 0 is awarded for N5a subfactor.

Note: The tables reflect the potential wind erosion, the number of potential people that may be impacted, and the distance population is from the source of wind erosion. Population near the source of the wind erosion is weighted significantly higher than downwind population sources. For example, the impacts of wind erosion on 1 person near the site would equal the impacts of 100 people that are located 100 miles from the site.

For example:
***--**

	Air Quality Factor (weighted CI value)				
County	**0**	**1-19**	**20-39**	**40-59**	**60 ≥**
Anders	0	14	18	20	25
Billings	0	14	18	20	25
Johnson	0	8	10	20	25
Weld	0	4	8	18	25

--*

C WESL, Subfactor N5b

WESL (0 or 5 points maximum)

WESL is a list that contains map units that have the dominant component of a soil that formed in organic or volcanic material, or a soil covered with volcanic material. These soils have material in the surface layer that can become airborne, and have a high potential of being suspended in air during wind events. These soils can significantly contribute to nonattainment of PM10 air quality standards. WESL should be developed for each county that have these map units on the soils legend in FOTG.

--**Any offer in which at least 51 percent of the offered acres are comprised of soil on WESL**-- shall be provided 5 points for factor N5b.

6 National Ranking Factor N5 - Air Quality Benefits From Reduced Wind Erosion (Continued)

D Air Quality Zones, Subfactor N5c

(0 or 5 points maximum)

The State Technical Committee working with State and EPA air quality representatives shall recommend designated agricultural zones that contribute to the nonattainment of air quality standards to FSA. Air quality zones shall be designated on an entire county or HUC basis. FSA shall prepare a database of designated air quality zone. All CPA's approved for air quality shall be considered to be within these zones.

The State Technical Committee may also recommend zones within 50 miles of a Class 1 air designated area in which agricultural crop production could impact air quality standards. Documentation, such as existing monitoring data that agriculture contributes to or has potential to violate existing air quality standards, is required.

Note: The State Technical Committee shall consult with the State air quality official for the latest Class 1 designations.

The offer is awarded 5 points if both of the following conditions are met:

- at least 51 percent of the offer must be in the designated zones
- the weighted wind EI must be equal to or greater than 3.0.

EBI and National Ranking Factors (Continued)

6 National Ranking Factor N5 - Air Quality Benefits From Reduced Wind Erosion (Continued)

E Carbon Sequestration, Subfactor N5d

N5d Carbon Sequestration Factor (0 to 10 points maximum)

This factor provides a relative index of the projected carbon sequestration benefits of CRP cover types over the expected life of the practice. This is a weighted average for the all practice on the contract using the values in the table.

--N5d Carbon Sequestration Table for Signup 45--	
Practice	**Points**
CP3, CP3A, CP25 (primarily trees)	10
CP25 (primary grass complex), CP42	5
CP4D, CP4B	4
CP1, CP2	3
--**CP12 (must be associated with practices according to Exhibit 11, page 43)**--	0

7 National Ranking Factor N6 - Cost

A Summary

The points will be determined using the formula: N6 = N6a + N6b

The cost factor provides weight to assist in optimizing environmental benefits per dollar of CRP rental payments. Greater weight is provided to offers with lower costs.

B Subfactor N6a - Cost

The number of points will be determined after signup ends and will be based on the producer rental rate offer.

Note: Offers with lower per acre rental rates may increase the probability that the offer will be acceptable.

EBI and National Ranking Factors (Continued)

7 National Ranking Factor N6 - Cost (Continued)

C Subfactor N6b - Offer Less Than the Maximum Payment Rate

Offers below the maximum payment rate (0 to 25 points).

--**Offers for which the Rental Rate Per Acre Offered is below the maximum per acre payment**--
rate, on a percentage basis, are award points. The formula to calculate the percentage below maximum payment rate is: 1 - (Rental Rate Per Acre Offered / maximum payment rate).

Points will be awarded for **whole percent** below the maximum payment rate, based on the
--**following. Percentage values are **truncated** to a whole number.**--

Percent Below Maximum Payment Rate	N6b Points
1	2
2	4
3	6
4	8
5	10
6	12
7	14
8	16
9	18
10	20
11	21
12	22
13	23
14	24
>=15	25

Examples: The maximum payment rate for an offer is $100 per acre. The producer offers a per acres rental rate of $90. The offer is 10 percent below the maximum payment rate. The offer is awarded 20 points.

The maximum payment rate for an offer is $100 per acres. The producer offers a per acres rental rate of $89.10. The offer is 10.9 percent below the maximum payment rate. The offer is awarded 20 points.

CRP-1 Appendix, Appendix to Form CRP-1, Conservation Reserve Program Contract

The following is an example of CRP-1 Appendix.
*--

This form is available electronically.
CRP-1 (Appendix)
(05-07-13)

See CRP-1 for Privacy Act and Paperwork Reduction Act Statements.

U. S. DEPARTMENT OF AGRICULTURE
Commodity Credit Corporation

APPENDIX TO FORM CRP-1, CONSERVATION RESERVE PROGRAM CONTRACT

NOTE: The authority for collecting the following information is Pub. L. 107-171. This authority allows for the collection of information without prior OMB approval mandated by the Paperwork Reduction Act of 1995. The time required to complete this information collection is estimated to average 3 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

1. DEFINITIONS

The following definitions are applicable to the Conservation Reserve Program (CRP) Contract:

A. **CRP contract or CRP-1** means the program documents including form CRP-1, the applicable contract appendix, conservation plan and the terms of any required easement, if applicable, entered into between CCC and the participant. Such contract shall set forth the terms and conditions for participation in the CRP and receipt of CRP payments.

B. **Current agricultural market value** for offer evaluation purposes means the amount in dollars per acre as determined by CCC to be the adjusted price at which the land placed in the CRP could be rented based on the average cash rental rate, or equivalent, per acre, and which is paid for dryland cropland at the time at which this contract is signed by the participant.

C. **Vegetative cover** means perennial or permanent grasses, legumes, forbs, and shrubs with a life span of 10 years or more, or trees.

D. All other words and phrases, unless the context of subject matter otherwise requires, shall have the meanings assigned to them in the regulations governing the Conservation Reserve Program which are found at 7 CFR Part 1410.

2. ELIGIBILITY REQUIREMENTS FOR CONSERVATION RESERVE PROGRAM

A. By signing the CRP contract, the participant, except in the case of persons qualifying solely as a tenant, certifies that such participant will control the land subject to the contract for the contract period and, if applicable, any easement period and shall, upon demand, provide evidence to CCC demonstrating that such participant will control the land for that period.

B. Land otherwise eligible for the CRP shall not be eligible, except as agreed otherwise, in writing, by CCC, if the land is subject to a deed or other restriction prohibiting the production of agricultural commodities or where a benefit has or will be obtained from a Federal agency in return for the participant's agreement not to produce such commodities on the land during the same time as the land would be enrolled in the CRP. By offering land for enrollment, the participant certifies as a condition for payment that no such restrictions apply to such land.

3. RESTRICTIONS ON PAYMENTS TO FOREIGN PERSONS

A. Any person who enters into this CRP contract or participates in such contract at any time who is not a citizen of the United States or an alien lawfully admitted into the United States for permanent residence under the Immigration and Nationality Act (8 U.S.C. 1101 et. seq.) shall be ineligible to receive annual rental payments under this contract unless such person meets the requirements of 7 CFR Part 1400 which shall be applicable to this contract.

B. Persons succeeding to a CRP contract subject to a reduction in payment under this paragraph 3 for any preceding party shall not be eligible for payments during the contract period greater than those that could have been received by such preceding party.

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CRP-1 Appendix, Appendix to Form CRP-1, Conservation Reserve Program Contract (Continued)

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CRP-1 (Appendix) (05-07-13) Page 2 of 7

4. AGREEMENT

A. The participant agrees:

(1) That the applicable CRP-2 and CRP-1 and its addenda shall be considered an offer to enter into the Conservation Reserve Program on the terms specified on Form CRP-1 and its addenda. The offer, until revoked, may be accepted by CCC provided further, that liquidated damages may apply in the case of a revocation as specified elsewhere in this Appendix;

(2) To place eligible land into the CRP for a period of 10 years, or as agreed to by CCC for a longer period not to exceed 15 years, from the effective date of the CRP contract executed by CCC;

(3) To comply with the terms and conditions of the Conservation Plan;

(4) To establish, maintain, and replace, as specified in the CRP contract, the practices agreed to in the Conservation Plan;

(5) Not to harvest or sell, nor otherwise make commercial use of, trees or forage or other cover on the CRP land including the shearing or shaping of trees for future use as Christmas trees (the participants may conduct pruning, thinning, stand improvement, or other activities consistent with customary forestry practices on land that is planted to trees); provided further, however, that CCC may, in its discretion and only in writing or by publication intended for a general allowance for CRP lands in particular States or regions, permit, in certain emergencies, certain commercial uses, as specified by CCC, which may be conditioned on a reduction in CRP payments otherwise payable under this contract;

(6) Not to undertake any action on land under the participant's control which tends to defeat the purposes of this contract, as determined by CCC;

(7) To annually certify crop and land use for the farm with the CCC on the appropriate form, accurately listing all land enrolled in CRP on the farm, not later than the final reporting date determined and announced by the Farm Service Agency, or successor agency;

(8) To control on land subject to a CRP contract all weeds, insects, pests and other undesirable species to the extent necessary to ensure that the establishment and maintenance of the approved cover is adequately protected and to provide such maintenance as necessary to avoid an adverse impact on surrounding land, taking into consideration water quality, wildlife and other factors;

(9) Not to disturb the acreage under contract during the primary nesting and brood rearing season for wildlife, except as approved by CCC;

(10) To annually file required forms as requested by CCC for payment limitation determinations. For purposes of the annual payment limitation for each participant, Signing Incentive Payments (SIP) and Practice Incentive Payments (PIP) shall be attributed towards such annual limitation in the following ways: 1) SIP, for purposes of this contract, shall be attributed to the Fiscal Year in which the participants CRP contract was approved by CCC; and 2) PIP, for purposes of this contract, shall be attributed to the Fiscal Year in which the participant completed the practice associated with that PIP, as evidenced by the participants signature date on Form AD-245 or FSA-848B, and as otherwise determined by CCC.

(11) To file applicable forms required by CCC for Adjusted Gross Income (AGI) determinations;

(12) That it is understood any payment or portion thereof due any participant will be made by CCC without regard to any question of title under State law, and without regard to any claim or lien which may be asserted by a creditor, except agencies of the U. S. Government. Offsets for debts owed to agencies of the U. S. Government shall be made prior to making any payments to participants or their assignees.

(13) To perform certain periodic management activities described in the conservation plan to maintain the approved cover such as light discing, burning, etc.

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CRP-1 Appendix, Appendix to Form CRP-1, Conservation Reserve Program Contract (Continued)

*--

B. CCC agrees, subject to the availability of funds:

(1) To share the cost with owners and operators of establishing an eligible practice, or an identified unit thereof, agreed to in the Conservation Plan as described herein, except that, in no case may the share of CCC exceed an amount equal to 50 percent of the price at which the land placed in the CRP could be sold for use as farmland at the time at which this contract is signed by the participant, unless the CCC otherwise approves such amount, provided further, that such approval must specifically reference the particular land placed in the CRP under this contract;

(2) To pay the agreed-upon annual rental payment, including any incentive payment, based upon the shares to which the parties have agreed as set forth on Form CRP-1 for a period of years not in excess of the contract period;

(3) To pay to the participant, to the extent required by CCC regulations, an interest penalty on cost- share payments, incentive payments, and all annual rental payments not made by the date, as determined by CCC, that the payment is due;

(4) To make annual rental payments after October 1 of each year of the contract period.

5. CONSERVATION PLAN

A. Subject to the approval of CCC, the Conservation Plan will include some or all of the following information and requirements:

(1) The vegetative or water cover to be established on the CRP land;

(2) A tree planting plan, developed in cooperation with the Forest Service, if trees are to be established as the vegetative cover on the CRP land;

(3) A schedule of completion dates for establishment of the cover on the CRP land;

(4) The level of environmental benefits which must be attained on the CRP land;

(5) Any other practices required for the establishment or maintenance of the cover on the CRP land including weed, insect, pest, and other controls of undesirable species, and such maintenance as necessary to avoid an adverse impact on surrounding land as determined appropriate by CCC, taking into consideration the needs of water quality, wildlife concerns, and other factors.

(6) The acreage will not be disturbed during the primary nesting season for wildlife as determined by CCC.

(7) Management activities authorized by paragraph 6.

B. By signing the Conservation Plan, the participant agrees to implement the practices specified in such Conservation Plan on the CRP land even if such practices differ from those listed on Form CRP-1.

6. MANAGEMENT ACTIVITIES

Subject to the approval of CCC, the Conservation Plan may include managed grazing or harvesting of the cover on the CRP land, including biomass, as necessary to avoid an adverse impact on surrounding land, as determined appropriate by CCC, taking into consideration the needs of the vegetative cover, wildlife concerns, and other factors. Managed grazing or harvesting may be conditioned on a reduction in CRP payments otherwise payable under this contract, as determined by CCC.

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CRP-1 Appendix, Appendix to Form CRP-1, Conservation Reserve Program Contract (Continued)

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7. COST-SHARE PAYMENTS

A. Subject to the availability of funds, cost-share payments shall be made available upon a determination by CCC that an eligible practice, or an identifiable unit thereof, has been established in compliance with the conservation plan and with appropriate standards and specifications.

B. CCC will not make cost-share payments in excess of 50 percent of the actual or average cost of establishing the eligible practice specified in the Conservation Plan as determined by CCC. It is understood that all cost-shares from all sources must be reported to CCC and that a reduction in the CCC cost-share may be made if there are other cost-shares received. Such reductions will be made to the extent required or allowed by the program regulations.

C. Except as otherwise provided for in program regulations, cost-share assistance may be made available under the CRP only for the establishment or installation of an eligible practice. In order to receive cost-share assistance, the participant, upon completion of the practice, must file Form AD-245 or similar form approved by CCC, for approval by CCC.

8. PROVISIONS RELATING TO TENANTS AND LANDLORDS

A. Payments shall not be paid under this CRP contract if CCC determines that:

(1) The landlord or operator has:

(a) when the acreage offered is not enrolled in the CRP at the time of signup:

(i) not provided tenants who have an interest in the acreage being offered at the time of signup an opportunity to participate in the benefits of the program;

(ii) reduced the number of tenants on the farm as a result of or in anticipation of enrollment in the CRP.

(b) when the acreage offered is enrolled in the CRP at the time of signup, not provided tenants with an interest in the CRP contract acreage an opportunity to participate in the benefits of the program if:

(i) the tenants are otherwise involved in farming other acreage, as determined by CCC, on the farm at the time of signup; or

(ii) the tenants have an interest in the acreage being offered on the effective date of the new CRP-1.

(2) The landlord or operator has deprived any tenant of any benefits to which such tenant would otherwise be entitled.

(3) If any such conditions as identified in (1) and (2) occur or are discovered after payments have been made, all or any part of the payments, as determined by CCC, must be refunded with interest and no further payments shall be made.

B. After this CRP contract is approved, the operator or tenant may, with the approval of CCC, be replaced for purposes of the CRP contract and for payments to be made under the contract if such tenant or operator, as determined by CCC:

(1) terminates their tenancy voluntarily or for some reason other than being forced to terminate their tenancy by the landowner or operator in anticipation as, or because of, participation in the program;

(2) fails to maintain tenancy, as determined by CCC, throughout the CRP contract period;

(3) files for bankruptcy and the trustee or debtor in possession fails to affirm this CRP contract;

(4) dies during the term of this CRP contract and the administrator of the operator or tenant's estate (or a similar person with authority to administer the affairs of the operator or tenant) fails to succeed to this contract within the time required by CCC; or

(5) was removed for cause, as determined by CCC.

--*

CRP-1 Appendix, Appendix to Form CRP-1, Conservation Reserve Program Contract (Continued)

*--

C. The removal of an operator or tenant from the agreement shall not release the operator or tenant from liabilities for actions arising before such removal.

9. ERRONEOUS REPRESENTATION AND SCHEME AND DEVICE

A. A participant who is determined to have erroneously represented any fact affecting a determination with respect to this CRP contract and the regulations applicable to this CRP contract, adopted any scheme or device which tends to defeat the purposes of this CRP contract, or made any fraudulent representation with respect to this contract will not be entitled to payments or any other benefits made in accordance with this CRP contract and the participant must refund to CCC all payments received by such participant, plus interest and liquidated damages thereon, with respect to the CRP contract. Such liquidated damages will be determined in accordance with paragraph 10 of this Appendix.

B. Unless CCC regulations provide otherwise, refunds determined to be due and owing to CCC in accordance with this CRP contract will bear interest at the rate which CCC was required to pay for its borrowings from the United States Treasury on the date of the disbursement by CCC of the monies to be refunded. Interest will accrue from the date of such disbursement by CCC.

C. The remedies provided under paragraph 9A of this Appendix shall be applicable in addition to any remedies under criminal and civil fraud statutes, including 18 U.S.C. 268, 287, 371, 641, 1001; 15 U.S.C. 714m; and 31 U.S.C. 3729, or any other remedy available under law.

10. LIQUIDATED DAMAGES

It is mutually agreed that in the event the CRP contract is breached by the participant, the CCC will suffer substantial damages which may not be possible to quantify with certainty. Therefore, in addition to the refund of payments received plus interest due, for breach of contract prescribed in this contract, the participant agrees to pay an amount equal to the product obtained by multiplying: (1) 25 percent of the rental payment rate per acre on Form CRP-1 by, (2) the number of acres that are the subject of the CRP contract. Such amount shall be due as liquidated damages in addition to such other damages or amounts as may be due, and not as a penalty.

11. NOTIFICATION OF CHANGES TO TERMS AND CONDITIONS OF THE CONTRACT

CCC agrees that, if any changes of any terms and conditions of this CRP contract, including changes necessary to reconcile the practices listed on the CRP-1 to those specified in the conservation plan, become necessary prior to the date that this contract is approved on behalf of CCC, CCC will notify the persons signing the CRP-1 of such change and such person will be given 10 days from the date of notification in which to agree to the revised terms and conditions or to withdraw from the offer. The participant agrees to notify the CCC of an intention to withdraw from the offer within 10 days from the date of the issuance of such notice and further agrees that failure to notify the CCC will constitute agreement to the revised terms and conditions.

12. CORRECTIONS

CCC reserves the right to correct all errors arising from entering data or computations in the contract.

13. TERMINATION OF CONTRACT; JOINT LIABILITY

If a participant fails to carry out the terms and conditions of this CRP contract but CCC determines that such failure does not warrant termination of this CRP contract, CCC may require such participant to refund, with interest, payments received under this CRP contract, or require the participant to accept such adjustments in the subsequent payment as are determined to be appropriate by CCC. Participants that sign the CRP-1 with zero percent interest in the annual rental payment shall not be held responsible for contract compliance.

--*

CRP-1 Appendix, Appendix to Form CRP-1, Conservation Reserve Program Contract (Continued)

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14. CONTRACT MODIFICATIONS

A. CCC may modify this contract to add, or substitute certain practices when:

(1) The installed practice failed to adequately control erosion through no fault of the participants;

(2) The installed measure has deteriorated because of conditions beyond the control of the participants; or

(3) Another practice will achieve at least the same level of environmental benefits.

B. Concurrence of NRCS and the conservation district may be obtained by CCC when modifications to this contract involve a technical aspect of a participant's Conservation Plan.

15. EFFECTIVE DATE AND CHANGES TO CONTRACT

A. The CRP contract is effective when, as determined by CCC, it has been signed by the participants and an authorized representative of CCC. Except as otherwise determined by CCC, as permitted by regulations or other law, the CRP contract may not be revoked or revised unless by mutual agreement between the parties. If, after the effective date of this contract, CCC determines that the offered acreage was erroneously enrolled or otherwise ineligible for enrollment, CCC may terminate the contract. Such termination shall not effect payments already made to the participants as of the time of termination. Within the dates established by CCC, the CRP contract must be signed by all required participants.

B. In the event that a statute is enacted during the period of this CRP contract which would materially change the terms and conditions of this CRP contract, the CCC may require the participants to elect between acceptance of modifications in this CRP contract consistent with the provisions of such statute or termination of this CRP contract.

16. TRANSFER OF LAND

A. If a new owner or operator purchases or obtains the right and interest in, or right to occupancy of, the land subject to this contract, such new owner or operator, upon the approval of CCC, may become a participant to a new CRP contract under the same terms and conditions with CCC covering such transferred land;

B. With respect to the transferred land, if the new owner or operator becomes a successor to the existing CRP contract, the new owner or operator shall assume all obligations under such contract of the previous participant;

C. If the new owner or operator becomes a successor to a CRP contract with CCC:

(1) Cost-share payments shall be made to the participant who established the practice; and

(2) Annual rental payments to be paid during the fiscal year when the land was transferred shall be divided in an equitable manner, as determined by CCC.

D. A new owner or operator will not be eligible to succeed to the CRP contract or receive payments under the contract if a previous participant in the contract maintains or acquires any interest of any kind in the property including, but not limited to, present, future, or conditional interests, or reversionary interests, or any option with respect to the property. In addition, unless otherwise approved in writing by CCC for the particular contract, a new owner or operator will not be eligible to succeed to the CRP contract, if a lender has or will obtain an option to purchase the property, any other right of occupancy, or share in the equity in the property which is not conditional on a foreclosure or other remedy for nonpayment of debt or on a voluntary transfer by the person seeking to succeed to the CRP contract.

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CRP-1 Appendix, Appendix to Form CRP-1, Conservation Reserve Program Contract (Continued)

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E. The participant certifies that no person has, or will, obtain an interest in the property that would render the new owner or operator to be ineligible to succeed to the CRP contract under the provisions of this paragraph. The existence or acquisition of such an interest by another person shall be considered a breach of the contract for which the CCC may terminate the contract and enforce the remedies provided in this Appendix.

F. If a participant transfers all or part of the right and interest in, or right to occupancy of, the CRP land and the new owner or operator does not become a successor to such contract within 60 days, or such other time as determined appropriate by CCC, of such transfer, such contract will be terminated with respect to the affected portion of such land and the original participant must:

(1) Forfeit all rights to any future payments with respect to such acreage;

(2) Refund all or part of the payments made with respect to such contract plus interest thereon, as determined by CCC; and

(3) Pay liquidated damages to CCC as specified in paragraph 10 of this Appendix.

17. REGULATIONS TO PREVAIL

The regulations in 7 CFR Part 1410 for the CRP are incorporated herein. In the event of a conflict between these regulations and the terms of this Appendix, the provisions of the regulations will prevail.

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.) Persons with disabilities, who wish to file a program complaint, write to the address below or if you require alternative means of communication for program information (e.g., Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). Individuals who are deaf, hard of hearing, or have speech disabilities and wish to file either an EEO or program complaint, please contact USDA through the Federal Relay Service at (800) 877-8339 or (800) 845-6136 (in Spanish).

*If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at **http://www.ascr.usda.gov/complaint_filing_cust.html**, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter by mail to U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at **program.intake@usda.gov**. USDA is an equal opportunity provider and employer.*

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CRP-1 Period

This exhibit lists the CRP-1 effective date and the corresponding CRP-1 expiration date.

CRP-1 Effective Date	Contract Year	Expiration at 10 Years	Expiration at 15 Years
10-1-85	1986	9-30-95	
10-1-86	1987	9-30-96	
10-1-87	1988	9-30-97	
10-1-88	1989	9-30-98	
10-1-89	1990	9-30-99	
10-1-90	1991	9-30-00	9-30-05
10-1-91	1992	9-30-01	9-30-06
10-1-92	1993	9-30-02	9-30-07
10-1-93	1994	9-30-03	9-30-08
10-1-94	1995	9-30-04	9-30-09
10-1-95	1996	9-30-05	9-30-10
10-1-96	1997	9-30-06	9-30-11
10-1-97	1998	9-30-07	9-30-12
10-1-98	1999	9-30-08	9-30-13
10-1-99	2000	9-30-09	9-30-14
10-1-00	2001	9-30-10	9-30-15
10-1-01	2002	9-30-11	9-30-16
10-1-02	2003	9-30-12	9-30-17
10-1-03	2004	9-30-13	9-30-18
10-1-04	2005	9-30-14	9-30-19
10-1-05	2006	9-30-15	9-30-20
10-1-06	2007	9-30-16	9-30-21
10-1-07	2008	9-30-17	9-30-22
10-1-08	2009	9-30-18	9-30-23
10-1-09	2010	9-30-19	9-30-24
10-1-10	2011	9-30-20	9-30-25
10-1-11	2012	9-30-21	9-30-26
10-1-12	2013	9-30-22	9-30-27
10-1-13	2014	9-30-23	9-30-28
10-1-14	2015	9-30-24	9-30-29
10-1-15	2016	9-30-25	9-30-30

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Completing CCC-770-CRP's, CRP Checklists

A Instructions

County Offices shall:

- obtain CCC-770-CRP1, CCC-770-CRP2, CCC-770-CRP3, and/or CRP-770-CRP4 from **http://fsaintranet.sc.egov.usda.gov/dam/ffasforms/forms.html**

- complete the applicable CCC-770-CRP1, CCC-770-CRP2, CCC-770-CRP3, and/or CRP-770-CRP4 for the applicable section

- prepare CCC-770-CRP1, CCC-770-CRP2, CCC-770-CRP3, and/or CRP-770-CRP4 and file original in participant's CRP folder

- sign and date applicable signature line.

Completing CCC-770-CRP's, CRP Checklists (Continued)

B CCC-770 CRP1

Following is a CCC-770 CRP1 that is available at **http://fsaintranet.sc.egov.usda.gov/dam/ffasforms/forms.html**.
***--**

This form is available electronically.

CCC-770 CRP1 (05-03-12) **U.S. DEPARTMENT OF AGRICULTURE** Commodity Credit Corporation **CRP CONTRACT APPROVAL CHECKLIST**	1. State Office Name 2. County Office Name 3. Contract Number

For any question listed below if the answer is "NO" then "STOP" do not complete the CRP process. Complete all necessary corrective actions needed to update the response with either "YES", or "N/A" before continuing the CRP process.

ACTION	Handbook or Other References	YES	NO	NA
4. Have redelegations of authority been documented to support permitted actions taken by the CED in regard to CRP?	*2-CRP, subparagraph 34B and Exhibit 1*			
5. Has a second party review of all eligibility requirements and maximum rate calculations been conducted?	*2 CRP, subparagraph 401A*			
6. For changing a practice under a general signup, has the original offer been accepted, CRP-1 been approved, and EBI score of the new practice equal to or greater than the EBI of the existing practice?	*2-CRP, subparagraphs 401A and 429A*			
7. Have participants obtained the catastrophic level of crop insurance or completed an FSA-570?	*2-CRP, subparagraph 132A*			
8. Do the DCP contract acres, GRP acres, and CRP acres meet the requirement not to exceed cropland on the farm?	*2-CRP, paragraph 401*			
9. Has a conservation plan (CPO) been developed with eligible practices listed on the CRP-1, and **signed** by all signatories to the CRP-1 NRCS/TSP, Conservation District, and COC/Designee?	*2-CRP, paragraphs 253, 255, 366, 368 and 401*			
10. Have all required signatures been obtained on the CRP-1, CRP-2, and the conservation plan?	*2-CRP, subparagraph 332A, paragraph 335, subparagraph 366B and paragraph 401*			
11. Has NEPA, NHPA, ESA, and related acts compliance been documented on NRCS-CPA-52 or State approved equivalent form?	*2-CRP, subparagraph 367F*			
12. Does the conservation plan contain all required elements and has it been approved by the COC or designee?	*2-CRP, subparagraph 366B*			
13. Have all producers with a share greater than zero filed the CCC-526, CCC-926, or CCC-931, as applicable?	*2-CRP, paragraph 401*			

If all of the above have been answered "YES", the COC or designee shall approve the CRP-1. If designee is approving, delegation of authority must be on file.

14A. Signature of Preparer	14B. Date *(MM-DD-YYYY)*

15A. ***I concur/do not concur the above items have been verified and updated.*** ☐ Concur ☐ Do Not Concur

15B. CED Signature for Spotcheck	15C. Date *(MM-DD-YYYY)*

16A. ***I concur/do not concur the above items have been verified and updated.*** ☐ Concur ☐ Do Not Concur

16B. DD Signature for Spotcheck	16C. Date *(MM-DD-YYYY)*

The U.S. Department of Agriculture (USDA) prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642 (English Federal-relay) or (800) 845-6136 (Spanish Federal-relay). USDA is an equal opportunity provider and employer.

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Completing CCC-770-CRP's, CRP Checklists (Continued)

C CCC-770-CRP2

Following is a CCC-770-CRP2 that is available at **http://165.221.16.90/dam/ffasforms/forms.html**.
*--

This form is available electronically.

CCC-770 CRP2 (02-28-12) **U.S. DEPARTMENT OF AGRICULTURE** Commodity Credit Corporation **CRP COST SHARE PAYMENT CHECKLIST**	1. State Office Name	
	2. County Office Name	
	3. Contract Number	4. FY of Payment

NOTE: County Office shall ensure that eligibility has been updated according to CCC-770 Eligibility before payments are issued.

For any question listed below if the answer is "NO" then "STOP" do not complete the CRP process. Complete all necessary corrective actions needed to update the response with either "YES", or "N/A" before continuing the CRP process.

ACTION	Handbook or Other References	YES	NO	NA
5. Is an approved CRP-1 on file?	*2-CRP, subparagraph 462B*			
6. Is a completed and signed AD-245, Page 2 on file and initialed by a CCC representative?	*2 CRP, paragraphs 462, 474, 505, and 507* *1-CONSV, subparagraph 194A*			
7. Is a completed and signed AD-862 (certified by NRCS, TSP, or Participant, as applicable) on file?	*2-CRP, paragraphs 507 and 508*			
8. Are all necessary documents (receipts, seed tags, etc.) on file to properly calculate the cost share payment?	*2-CRP, paragraph 513*			
9. Has the cost-share payment been calculated correctly, including rounding and 2nd party review?	*2-CRP, paragraphs 510 thru 518* *1-CONSV, subparagraph 194A*			
10. Is the person requesting cost-sharing eligible to receive cost-share?	*2-CRP subparagraphs 491A and 579*			

11A. Signature of Preparer	1B. Date *(MM-DD-YYYY)*

12A. ***I concur/do not concur the above items have been verified and updated.***	☐ Concur	☐ Do Not Concur
12B. CED Signature for Spotcheck		12C. Date *(MM-DD-YYYY)*

13A. ***I concur/do not concur the above items have been verified and updated.***	☐ Concur	☐ Do Not Concur
13B. DD Signature for Spotcheck		13C. Date *(MM-DD-YYYY)*

The U.S. Department of Agriculture (USDA) prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642 (English Federal-relay) or (800) 845-6136 (Spanish Federal-relay). USDA is an equal opportunity provider and employer.

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Completing CCC-770-CRP's, CRP Checklists (Continued)

D CCC-770-CRP3

Following is a CCC-770-CRP3 that is available at **http://165.221.16.90/dam/ffasforms/forms.html**.
*--

This form is available electronically.

CCC-770 CRP3 (02-28-12) **U.S. DEPARTMENT OF AGRICULTURE** Commodity Credit Corporation **CRP ANNUAL RENTAL PAYMENT CHECKLIST**	1. State Office Name	
	2. County Office Name	
	3. Contract Number	4. FY of Payment

NOTE: County Office shall ensure that eligibility has been updated according to CCC-770 Eligibility before payments are issued.

For any question listed below if the answer is "NO" then "STOP" do not complete the CRP process. Complete all necessary corrective actions needed to update the response with either "YES", or "N/A" before continuing the CRP process.

MAKING ANNUAL RENTAL PAYMENTS	Handbook or Other References	YES	NO	NA
5. Has the payment year FSA-578 or CCC-817U been signed and submitted by a participant on the CRP-1?	*2-CRP, paragraph 602*			
6. Have applicable payment reductions or payment prorations for violations, successions, or managed haying and grazing been loaded in the payment software?	*1 CRP*			

7A. Signature of Preparer	7B. Date *(MM-DD-YYYY)*
8A. ***I concur/do not concur the above items have been verified and updated.*** ☐ Concur ☐ Do Not Concur	
8B. CED Signature for Spotcheck	8C. Date *(MM-DD-YYYY)*
9A. ***I concur/do not concur the above items have been verified and updated.*** ☐ Concur ☐ Do Not Concur	
9B. DD Signature for Spotcheck	9C. Date *(MM-DD-YYYY)*

The U.S. Department of Agriculture (USDA) prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642 (English Federal-relay) or (800) 845-6136 (Spanish Federal-relay). USDA is an equal opportunity provider and employer.

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Completing CCC-770-CRP's, CRP Checklists (Continued)

E CCC-770-CRP4

Following is a CCC-770-CRP4 that is available at **http://165.221.16.90/dam/ffasforms/forms.html**.
*--

This form is available electronically.

CCC-770 CRP4 (02-28-12) **U.S. DEPARTMENT OF AGRICULTURE** Commodity Credit Corporation **CRP PIP, CP23, CP23A, CP37 and SIP PAYMENT CHECKLIST**	1. State Office Name	
	2. County Office Name	
	3. Contract Number	4. FY of Payment

NOTE: County Office shall ensure that eligibility has been updated according to CCC-770 Eligibility before payments are issued.

For any question listed below if the answer is "NO" then "STOP" do not complete the CRP process. Complete all necessary corrective actions needed to update the response with either "YES", or "N/A" before continuing the CRP process.

5. Check type of payment being made:

☐ PIP ☐ CP23 Hydrology Incentive ☐ CP23A Hydrology Incentive ☐ CP37 ☐ SIP

ACTION	Handbook or Other References	YES	NO	NA
6. Is an approved CRP-1 on file?	*2-CRP, paragraph 197 and subparagraphs 462C thru 462E, Exhibit 11*			
7. Have all practice establishment requirements been completed and cost-sharing calculated and paid? (Exception: C/S does not have to be paid to earn PIP and CP23, CP23A, and CP37 incentive, but is based off of what C/S would have been paid).	*2 CRP, paragraph 197, Exhibit 11*			
8. Has payment limitation eligibility been verified (all rental payments, SIP, PIP and incentive payments made in a FY are subject to one payment limitation)?	*2-CRP, subparagraph 461B*			
9. Has the indicated payment been calculated correctly, including rounding for PIP, CP23, CP23A, and CP37 and has a 2nd party review been completed?	*2-CRP, subparagraphs 197A, 197B, 462D, and 462E, Exhibit 11*			
10. Will the payment(s) be issued according to the shares on the CRP-1?	*2-CRP, subparagraphs 197B and 462E, Exhibit 11*			

11A. Signature of Preparer	11B. Date *(MM-DD-YYYY)*

12A. ***I concur/do not concur the above items have been verified and updated.*** ☐ Concur ☐ Do Not Concur

12B. CED Signature for Spotcheck	12C. Date *(MM-DD-YYYY)*

13A. ***I concur/do not concur the above items have been verified and updated.*** ☐ Concur ☐ Do Not Concur

13B. DD Signature for Spotcheck	13C. Date *(MM-DD-YYYY)*

The U.S. Department of Agriculture (USDA) prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642 (English Federal-relay) or (800) 845-6136 (Spanish Federal-relay). USDA is an equal opportunity provider and employer.

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Completing FSA-695, Conservation Annual Payment Statement

A Preparing FSA-695

May prepare one optional FSA-695 for each person who will receive an annual payment under CRP-1.

B Completing FSA-695

Complete FSA-695 according to the following.

Item Number	Instructions
1	Enter the State and county codes.
2	ENTER “CRP”.
3	Enter the following: • farm number • name and address of the producer.
4	Enter the last 4 digits of the producer’s Social Security number.
5	Leave blank.
6	Enter the CRP-1 number.
7	Enter the CRP-1 period.
8	Enter producer’s share.
9	Enter the amount of the participant’s rental payment per year.
10 A	Specify who or what the offset is for, the payee’s ID number, and the purpose of the offset.
11 A	Enter the amount of the offset.
11 B	Enter the amount of the participant’s payment less any offset, if applicable.
12	The person approving the payment shall initial and date FSA-695.

Completing FSA-695, Conservation Annual Payment Statement (Continued)

B Completing FSA-695 (Continued)

FSA-695 (02-10-97)

U.S. DEPARTMENT OF AGRICULTURE
Farm Service Agency

CONSERVATION ANNUAL PAYMENT STATEMENT

1. ST. & CO. CODES	2. PROGRAM
55-095	CRP

3. FARM NO.	NAME AND ADDRESS OF PRODUCER	4. SOCIAL SECURITY NO.	5. PAYMENT TERMS
1965	L. Hubbard Rt.2, Box 266 Amery, WI 54001	123-45-6789	N/A
		6. CONTRACT OR EASEMENT NO.	7. AGREEMENT PERIOD (Yr.) BEGIN / END
		527	1993 / 2002
		8. PARTICIPANT'S SHARE	9. GROSS PRODUCER PAYMENT
		ALL	$9,700.00

PAYMENT DATA

10. ITEM	11. AMOUNT	12. APPROVED BY AND DATE	13. CHECK NUMBER
A. SET-OFF OR PAYMENT REDUCTION, PAYEE AND PURPOSE Due FCIC 38-081-136 1992 Premium	$ 70.68	CF 10-4-92	05711382
B. Net Producer Payment	$9,629.32	CF 10-4-92	05711383
A. SET-OFF OR PAYMENT REDUCTION, PAYEE AND PURPOSE	$9,700.00	CF 10-15-93	17235680
B. Net Producer Payment			
A. SET-OFF OR PAYMENT REDUCTION, PAYEE AND PURPOSE	$9,700.00	CF 10-20-94	24609720
B. Net Producer Payment			
A. SET-OFF OR PAYMENT REDUCTION, PAYEE AND PURPOSE	$9,700.00	CF 10-14-95	58921100
B. Net Producer Payment			
A. SET-OFF OR PAYMENT REDUCTION, PAYEE AND PURPOSE	$9,700.00	MA 10-4-96	70048011
B. Net Producer Payment			
A. SET-OFF OR PAYMENT REDUCTION, PAYEE AND PURPOSE			
B. Net Producer Payment			
A. SET-OFF OR PAYMENT REDUCTION, PAYEE AND PURPOSE			
B. Net Producer Payment			
A. SET-OFF OR PAYMENT REDUCTION, PAYEE AND PURPOSE			
B. Net Producer Payment			
A. SET-OFF OR PAYMENT REDUCTION, PAYEE AND PURPOSE			
B. Net Producer Payment			
A. SET-OFF OR PAYMENT REDUCTION, PAYEE AND PURPOSE			
B. Net Producer Payment			

14. REMARKS

Completing Manual FSA-18, Applicant's Agreement to Complete an Uncompleted Practice

A Instructions

County Office shall:

- complete FSA-18, using data from AD-245
- reproduce FSA-18 locally

  Note: Include form number, OMB number, and date on the reproduction.

- prepare FSA-18 in duplicate:
  - mail copy to participant
  - file original in participant's CRP folder.

Participant shall sign FSA-18 agreeing to complete the practice. COC shall review and, if eligible, approve all FSA-18's.

Completing Manual FSA-18, Applicant's Agreement to Complete an Uncompleted Practice (Continued)

B Example of FSA-18

Following is an example of FSA-18.

This form is available electronically. Form Approved -OMB No. 0560-0082

FSA-18 (06-18-98) U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency

APPLICANT'S AGREEMENT TO COMPLETE AN UNCOMPLETED PRACTICE

1. COUNTY FSA NAME AND OFFICE ADDRESS (Include Zip Code):
Any State County Office
123 Any Rd.
Anytown, USA 99999
TELEPHONE NO. (Include Area Code): 999-999-9999

2. APPLICANT'S NAME	3. PROGRAM	4. FARM NO.
John Brown	CRP	1732

5. STATE WHERE FARM IS LOCATED	6. COUNTY WHERE FARM IS LOCATED	7. CONTRACT NO.	8. CONTROL NO.
Georgia	Baker	100	

NOTE: *The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is 7 CFR Part 701-10, 16 USC 590 et seq., 2101 et seq.; Pub. L. 96-108 and 96-528, authorize collection of the following data. Furnishing the data is voluntary, however, no further monies or other benefits may be paid out under the program unless this report is completed and filed as required by existing law and regulations. This information will be used to determine eligibility for program benefits. The information may be provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies, and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 651, 1001; 15 USC 714m; and 31 USC 3729, may be applicable to the information provided.*

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0560-0082. The time required to complete this information collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. ***RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.***

PART A - PRACTICE APPROVED ON AD-245

9. NO.	10. DESCRIPTION	11. APPROVED EXTENT	12. COST-SHARES APPROVED
CP3A	Hardwood tree planting	15	5,940

PART B - COMPONENTS AS APPROVED ON AD-245

13. CODE	14. DESCRIPTION	15. APPROVED EXTENT	16. RATE	17. COST-SHARES APPROVED
HT1	Heavy tree planting	15	27.60	1,159
HS1	Heavy site preparation	15	101.40	4,259
TS5	Tree seedlings	15	12.44	522

PART C - COMPONENTS *(Identify each separately)*

18. The following component codes have been completed in accordance with specifications:

HS1

19. The following component codes have not been completed in accordance with specifications:

HT1
TS5

PART D - APPLICANT'S CERTIFICATION

I request cost-share assistance for the completed components shown in Part C, Item 18 above. I agree to complete the components shown in Part C, Item 19, within the time prescribed by the County FSA committee, regardless of whether or not cost-share assistance is approved. I agree to refund any cost assistance paid to me under this practice, if I fail to complete it.

20A. APPLICANT'S SIGNATURE	20B. DATE (MM-DD-YYYY)
/s/ John Brown	***11-27-20xx***
21A. APPROVED FOR COUNTY COMMITTEE BY	**21B. DATE (MM-DD-YYYY)**
/s/ Robert D. Mills	***12-01-20xx***

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.

CRP-20, Notice of Conservation Reserve Program (CRP) Contract Termination

The following is an example of CRP-20 to be issued with CRP-1E Addendum.

REPRODUCE LOCALLY. Include form number and date on reproductions.

CRP-20
(11-07-91)

U.S. DEPARTMENT OF AGRICULTURE
Commodity Credit Corporation

NOTICE OF CONSERVATION RESERVE PROGRAM (CRP)
CONTRACT TERMINATION

NAME AND ADDRESS CRP PARTICIPANT

COUNTY
STATE
CONTRACT NO.

We understand that the property under the above identified CRP contract is now in the possession of _____of the Department of _____which has taken ownership of the property by foreclosure or otherwise. Because_____ (agency) is a federal agency, it cannot succeed to the contract. In such circumstances, the CRP contract and CRP regulations provide for terminating the contract and for collecting, from the contract participant, liquidated damages and a refund, with interest, of monies paid under the CRP contract.

_____(agency) has indicated its willingness to comply with the conservation provisions of the contract. Accordingly, if you agree, (by signing the attached CRP-1E Addendum Regarding Possession of Conservation Reserve Program (CRP) Property Held by Federal Agency) a claim will not be established at this time.

A claim will be established if the _____ (agency) or its successor fails to comply with the conservation provisions of the contract. Whether or not you sign the CRP-1E Addendum no further payments will be made to you under the contract unless the property is leased or sold back to you in such a manner as will for the remainder of the contract period place you in control of the property, and the Commodity Credit Corporation (CCC) agrees to make futher payments in which case, payment may be made on such terms as CCC agrees to. If you do not sign the CRP-1E Addendum it will not increase your liability (in the event that _____(agency) or its successor fails to maintain the property in accordance with the conservation provisions of the contract) although, should a claim be later established, interest calculations could be affected.

Sincerely yours,

County Executive Director

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, marital status, or handicap.

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CRP-1E Addendum, Addendum Regarding Possession of CRP Property Held by Federal Agency

This is an example of CRP-1E Addendum.

REPRODUCE LOCALLY. Include form number and date on reproductions. Form Approved-OMB No. 0560-0125

CRP-1E Addendum
(09-11-92)

U.S. DEPARTMENT OF AGRICULTURE
Commodity Credit Corporation

ADDENDUM REGARDING POSSESSION OF CONSERVATION RESERVE PROGRAM (CRP) PROPERTY HELD BY FEDERAL AGENCY

NOTE ➜ *The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is to be supplied on this form is the Food and Security Act of 1985, Pub. L. 99-198, and the regulations promulgated thereunder (7 C.F.R. Part 704 and the Internal Revenue Code (26 U.S.C. 6109). This information requested is necessary for CCC to consider and process the offer to enter into a Conservation Reserve Program to assist in determining eligibility, and to determine the correct parties to the contract. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies, and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 651, 1001; 15 USC 714m; and 31 USC 3729, may be applicable to the information provided. Federal Agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average 3 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM (OMB No. 0560-0125), STOP 7630, Washington, D.C. 20250-7630.* ***RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.***

The parties to this Addendum are the undersigned participants in the CRP contract No. _____ and the Commodity Credit Corporation ("CCC").

The parties state and agree:

1. The property which is the subject of the above-identified CRP contract (hereinafter "the contract") is now held by

   _____ (agency) (hereinafter "the acquiring agency") of the Department of _____

   which has acquired the property by foreclosure or otherwise and which is in control of the property.

2. As the acquiring agency is not and cannot be a party to the contract by succession or otherwise, the contract is terminable by the CCC. However, it is agreed by the parties to this addendum that:

   (a) Except as specified in paragraph (c), no further payment shall be made to the undersigned CRP participants (hereinafter "the participants") under the contract by the CCC. However, no claim for a refund of payments previously made or for liquidated damages as would accrue to CCC under the contract in cases of contract terminations will be established by the CCC against the participants so long as the land which is the subject of the contract is maintained, through the termination date of the original contract, in full compliance with the conservation requirements of the contract including, but not limited to, requirements relating to the maintenance of the permanent cover crop and the prohibition against the production of crops on the property. In the event that for any reason the property is not maintained in accordance with those requirements, CCC may terminate the contract, may establish a claim against the participants, may collect all sums provided in the contract, and may pursue any and all other remedies provided for in favor of CCC under the contract.

   (b) The acquiring agency may sell or otherwise transfer ownership and control of the property to a party who is eligible to succeed to the contract and such buyer may, at such buyer's option, succeed to the contract. In the event of such a succession, the participants will be relieved of liability for any failure to comply with the conservation practices of the contract, absent collusion on the part of the participants.

   (c) To the extent that the current operator of the property or producer on the property is one of the participants and continues to be the operator on the property or producer on the property even though ownership of the property is now held by the acquiring agency, such person may continue to receive payments provided for in the contract so long as the property is maintained in accordance with the terms of the contract, such person continues to be the operator of the property, ownership of the property remains with the acquiring agency, and the acquiring agency, subject to CCC approval, notifies CCC that it wishes to exercise that option.

   (d) The participants hereby waive any defenses which they may have, now or later, under any statute of limitations to any claim made by CCC under the contract.

It is so agreed and understood.

A. Signature of CRP Participants	Date	Address
Signature	Date	Address
B. Signature of Commodity Credit Corporation	Date	Title

The undersigned federal agency acknowledges the accuracy of the representations set forth above.

C. Signature of Commodity Credit Corporation	Date	Agency Name and Address

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, marital status, or disability.

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CRP-117, Request to Participate in Special Haying and Grazing of CRP Acreage

CRP participants requesting haying or grazing on CRP acreage must designate the request on CRP-117.

This form is available electronically.

CRP-117
(07-23-10)

U.S. DEPARTMENT OF AGRICULTURE
Farm Service Agency

REQUEST TO PARTICIPATE IN HAYING AND GRAZING OF CRP ACREAGE

1. STATE

2. COUNTY

3. CROP YEAR

4. CRP PARTICIPANT	5. CONTRACT NO.	6. ACRES TO BE HAYED	7. ACRES TO BE GRAZED	8. DOLLAR/ACRE REDUCTION IN PAYMENT	9. TOTAL DOLLAR REDUCTION	10. PAYMENT REDUCTION COLLECTED OR OFFSET	11. RECEIVED AND SIGNED TERMS AND CONDITIONS FOR HAYING AND GRAZING *(Producer's Signature and Date)*

NOTE: *The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a - as amended). The authority for requesting the information identified on this form is 7 CFR Part 1410, the Food Security Act of 1985 (16 U.S.C. 3831 et seq.), the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), and the Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246). The information will be used to determine eligibility to request to participate in special haying and grazing of CRP acreage. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated). Providing the requested information is voluntary. However, failure to furnish the requested information will result in a determination of ineligibility to request to participate in special haying and grazing of CRP acreage.*

The information collection is exempted from the Paperwork Reduction Act, as it is required for administration of the Food, Conservation, and Energy Act of 2008 (see Pub. L. 110-246, Title II, Subtitle J – Miscellaneous Conservation Provisions). The provisions of appropriate criminal and civil fraud, privacy, and other statutes may be applicable to the information provided.

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Note: Only 1 CRP participant need sign this document.

--

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

Conservation Reserve Program

Terms and Conditions for Haying (Including for Biomass) and Routine Grazing of CRP Acreage

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

I/We agree to: (1) obtain a modified conservation plan to include haying, 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 managed haying or routine grazing authorization has ended; and (4) **not** manage hay and routine graze the same acreage.

Check the payment reduction option applicable to this contract:

_____ 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, 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 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 begins.

CRP-1 Contract Number: _____ Farm Number: _____

Tract Number: _____ Field Number: _____ Acres Hayed/Grazed: _____

Participant's Signature/Dates:

_____ _____

_____ _____

_____ _____

--*

CRP-118, Certification of Participation in Haying and Grazing of CRP Acreage

CRP-118 is used to record the participant's actual number of acres hayed or grazed. Instruct participants to complete CRP-118, columns 3, 4, 5, and 10.

This form is available electronically.

CRP-118
(07-23-10)

U.S. DEPARTMENT OF AGRICULTURE
Farm Service Agency

CERTIFICATION OF PARTICIPATION IN HAYING AND GRAZING OF CRP ACREAGE

1. STATE
2. COUNTY
3. CROP YEAR

4. CRP PARTICIPANT	5. CONTRACT NO.	HAY		GRAZED			11. PAYMENT REDUCTION COLLECTED OR OFFSET	12. I certify that line data as given is true, complete, and correct.) *(Producer's Signature and Date)*
		6. ACRES ACTUALLY HAYED	7. TOTAL YIELD *(Tons)*	8. ACRES ACTUALLY GRAZED	9. NUMBER OF LIVESTOCK OWNED/LEASED	10. NUMBER OF LIVESTOCK ACTUALLY GRAZED		

NOTE: *The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a - as amended). The authority for requesting the information identified on this form is 7 CFR Part 1410, the Food Security Act of 1985 (16 U.S.C. 3831 et seq.), the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), and the Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246). The information will be used to determine eligibility to certify participation in haying and grazing of CRP acreage. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated). Providing the requested information is voluntary. However, failure to furnish the requested information will result in a determination of ineligibility to certify participation in haying and grazing of CRP acreage.*

The information collection is exempted from the Paperwork Reduction Act, as it is required for administration of the Food, Conservation, and Energy Act of 2008 (see Pub. L. 110-246, Title II , Subtitle J – Miscellaneous Conservation Provisions). The provisions of appropriate criminal and civil fraud, privacy, and other statutes may be applicable to the information provided.

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Completing CRP-42, County Precipitation and Feed and Forage Loss Report

A Completing CRP-42 for Emergency Haying or Grazing of CRP Acreage

County Offices requesting emergency haying or grazing of CRP acreage shall complete CRP-42 when submitting their request.

County Offices shall send the completed CRP-42 plus all other supporting documentation to STC for review. STC, or its designee, shall review CRP-42 for completeness and accuracy, and use the data provided plus all other supporting information provided to determine county eligibility for emergency haying and grazing. If the county is requesting a Secretarial authorization of emergency haying and grazing of CRP acreage, forward the approved and signed CRP-42 with the request to CEPD for determination.

Use the following instructions to complete CRP-42 for emergency haying and grazing of CRP acreage.

Item	Instructions
1	Enter State name.
2	Enter county name.
3	Enter date or dates the disaster occurred. For long-term droughts, enter the month and year the drought began.
4	Place "X" in the appropriate box for the disaster type. For "Other", provide a description of the natural disaster.
5	Place "X" in the appropriate box. For "Other", provide a description of the assistance requested.
6B	Enter monthly total precipitation for the most recent 4 full months and the current month to date. Enter "as of" date for the current month. **Example:** "As of May 15 0.60" Enter current year total at the bottom of the column.
6C	Enter monthly normal precipitation for the most recent 4 full months and the current month to date. Enter prorated normal precipitation using the "as of" date for the current month. **Example:** "2.06/4.25" (4.25 normal for May) 31 days in May x 15 "as of" days = 2.06) Enter normal total at the bottom of the column.

Completing CRP-42, County Precipitation and Feed and Forage Loss Report (Continued)

A Completing CRP-42 for Emergency Haying or Grazing of CRP Acreage (Continued)

Item	Instructions
6D	Enter current year percent of normal, rounded to the nearest whole number, for each month reported. **Example:** If April current year total is 1.25, and April normal is 3.92, 1.25) 3.92 x 100 = 31.89. Enter "32". Calculate total percent of normal as follows: Divide the total of column 6B by the total of column 6C, multiply by 100, and round to the nearest whole number. Enter the result in the total of column 6D. **Example:** The total of column 6B is 8.40 and the total of column 6C is 14.73. 8.40) 14.73 x 100 = 57.03. Enter "57".
7A	Enter normal monthly average temperature for each month for which precipitation data is provided.
7B	Enter current year monthly average temperature for each month for which precipitation data is provided.
8	Place "X" in the appropriate box. If answering "Yes", provide an explanation.
9	Place "X" in the appropriate box. If answering "Yes", provide the number of animals being liquidated because of the disaster and the percentage above normal being liquidated.
10	Enter beginning and ending dates of the primary nesting and brood rearing season for the county.
11	Enter each type of pasture and normal grazing crop growing in the county. If none is grown, enter "None".
12	Enter the total acres for each type of pasture or normal grazing crops planted and growing in the county in the current year.
13	***--**Enter acres per animal unit established by COC according to 1-NAP.**--***
14	Enter normal grazing days remaining in this crop year for each type of pasture and grazing. The grazing period shall not be greater than 120 calendar days.
15	Enter cost per animal unit per day for pasture and normal grazing.
16	Calculate value of normal production. Divide acres grown entered in column 12 by the AC/AU entered in column 13, times the normal grazing days entered in column 14, times the cost per animal unit entered in column 15.
17	Enter percent of loss caused by the disaster for each type of pasture and normal grazing.
18	Calculate value of production loss by multiplying the value of normal production entered in column 16 times the percent of loss entered in column 17.

Completing CRP-42, County Precipitation and Feed and Forage Loss Report (Continued)

A Completing CRP-42 for Emergency Haying or Grazing of CRP Acreage (Continued)

Item	Instructions
20	Enter total acres for each type of alfalfa and other hay growing in the county in the current year.
21	Enter approved established yield in tons per acre.
22	Enter approved established cost per ton, rounded to the nearest whole dollar.
23	Calculate value of normal production by multiplying the acres grown entered in column 20, times the normal yield entered in column 21, times the cost per ton entered in column 22.
24	Enter percent of loss caused by the disaster for alfalfa each type of hay.
25	Calculate value of production loss by multiplying the value of normal production entered in column 23 times the percent of loss entered in column 24.
26a	Enter total of all entries in columns 16 and 23.
26b	Enter total of all entries in columns 18 and 25.
26c	Calculate weighted average loss by dividing the value of production loss entered in item 26b by the value of normal production entered in item 26a.
27 through 42	Repeat steps 11 through 26 for feed grain crops, small grains normally grazed, and other roughage.
43	Enter date of the COC meeting when emergency haying or grazing was requested.
44	CED shall sign and enter the date of the request.
45	SED, or designee, shall sign and enter the action recommended by STC and the date of the recommendation.

Completing CRP-42, County Precipitation and Feed and Forage Loss Report (Continued)

B Example of Completed CRP-42

Following is an example of a completed CRP-42.

This form is available electronically.

CRP-42
(05-18-04)

U.S. DEPARTMENT OF AGRICULTURE
Commodity Credit Corporation

COUNTY PRECIPITATION AND FEED AND FORAGE LOSS REPORT

1. STATE: New Columbia

2. COUNTY: Clinton

3. DATE(S) OF DISASTER: February 12, 2004 and continuing

4. TYPE AND DESCRIPTION OF NATURAL DISASTER
- DROUGHT [X]
- EXCESSIVE MOISTURE [ ]
- OTHER (*List*) _____ [ ]

5. TYPE OF ASSISTANCE REQUESTED EMERGENCY
- HAYING AND GRAZING OF CRP ACREAGE [X]
- OTHER (*List*) _____ [ ]

6. PRECIPITATION (*County Average*) / 7. TEMPERATURE (*Average Monthly*)

A. MONTH	B. CURRENT YEAR TO DATE	C. NORMAL	D. CURRENT YEAR % OF NORMAL	A. NORMAL	B. CURRENT YEAR
January	2.65 ÷	2.17 =	122	23.6	29.4
February	2.50 ÷	2.80 =	89	26.5	31.2
March	1.40 ÷	3.78 =	37	36.5	38.5
April	1.25 ÷	3.92 =	32	48.9	72.9
May	To May 16 0.60 ÷	May 15 2.06/4.25 =	29	55.6	81.5
June	÷	=			
July	÷	=			
August	÷	=			
September	÷	=			
October	÷	=			
November	÷	=			
December	÷	=			
E. **Totals** (*Col. 6B, 6C and 6D*)	8.40	14.73	8.40/14.73 = 57		

	YES	NO
8. Has the natural disaster required additional supplemental feeding? If "YES", to what extent? Producers feeding hay in pasture lots. Grain and feed sales increased. Local hay stocks nearly exhausted. Price for first cutting mixed hay $140.00 per ton.	X	
9. Is livestock being liquidated and/or culled heavier as a direct result of the natural disaster? *If "YES", provide an estimate of the additional numbers* 200 *and % above normal* 15 .	X	

10. Identify the primary nesting and brood rearing season restricted period for haying and grazing as determined by the STC.: April 1 to August 1

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Completing CRP-42, County Precipitation and Feed and Forage Loss Report (Continued)

B Example of Completed CRP-42 (Continued)

CRP-42 (05-18-04) Page 2 of 2

FEED LOSS ASSESSMENT

11. PASTURE AND NORMAL GRAZING	12. ACRES GROWN IN DISASTER YEAR	13. AC/AU	14. NORMAL GRAZING (DAYS)	15. COST PER (AU)	16. VALUE NORMAL PRODUCTION (Col. 12 - 13 X 14 X 15)	17. PERCENT OF LOSS	18. VALUE PRODUCTION LOSS (Col. 16 X Col. 17)
a. Meadow	35,000 ÷	5 x	114 x	$ 0.56 =	$ 446,880.00 x	70 %=	$ 312,816.00
b. Tame	26,000 ÷	2 x	84 x	$ 0.56 =	$ 611,520.00 x	50 %=	$ 305,760.00
c.	÷	x	x	$ =	$ x	%=	$

19. HAY	20. ACRES GROWN IN DISASTER YEAR	21. NORMAL YIELD (TONS)	22. COST PER (TONS)	23. VALUE NORMAL PRODUCTION (Col. 20 X 21 X 22)	24. PERCENT OF LOSS	25. VALUE PRODUCTION LOSS (Col. 23 X Col. 24)
a. Alfalfa	20,100 x	3.5 x	$ 93 =	$ 6,542,550.00 X	45 %=	$ 2,944,147.50
b. Other Hay	34,600 x	3.6 x	$ 80 =	$ 9,964,800.00 X	35 %=	$ 3,487,680.00
			26. SUBTOTALS:	26a. Col. 16 and 23 $ 17,565,750.00		26b. Col. 18 and 25 $ 7,050,403.50

26c. *Emergency Haying and Grazing Weighted Average Loss (subtotal Col. 26b ÷ subtotal Col. 26a =* 40 *%)*

27. FEED GRAIN CROPS	28. ACRES GROWN IN DISASTER YEAR	29. NORMAL YIELD (Bu./Cwt.)	30. COST PER (Bu./Cwt.)	31. VALUE NORMAL PRODUCTION (Col. 28 X 29 X 30)	32. PERCENT OF LOSS	33. VALUE PRODUCTION LOSS (Col. 31 X Col. 32)
a.	x	x	$ =	$ x	% =	$
b.	x	x	$ =	$ x	% =	$
c.	x	x	$ =	$ x	% =	$
d.	x	x	$ =	$ x	% =	$
e.	x	x	$ =	$ x	% =	$
f.	x	x	$ =	$ x	% =	$

34. OTHER ROUGHAGE	35. ACRES GROWN IN DISASTER YEAR	36. NORMAL YIELD (TONS)	37. COST PER (TONS)	38. VALUE NORMAL PRODUCTION (Col. 35 X 36 X 37)	39. PERCENT OF LOSS	40. VALUE PRODUCTION LOSS (Col. 38 X Col. 39)
a.	x	x	$ =	$ x	%=	$
b.	x	x	$ =	$ x	%=	$
c.	x	x	$ =	$ x	%=	$
			41. TOTALS:	41a. Col. 26a, 31, and 38 $ 17,565,750.00		41b. Col. 26b, 33, and 40 $ 7,050,403.50

42. WEIGHTED AVERAGE LOSS *(Total Column 41b ÷ Total Column 41a)* 40 %

COC AND STC CERTIFICATION

43. Date of COC meeting when determination was made that a natural disaster has occurred and to request authority for Emergency Haying and Grazing of CRP Acreage: May 15, 2004

44. *I certify that the above data is complete and factual to the best of my ability.*	A. SIGNATURE OF CED /s/ *Mike Smith*	B. DATE *(MM-DD-YYYY)* May 15, 2004
45. SIGNATURE OF SED /s/ *Bill Jones*	A. CONCURRED BY THE STC YES [X] NO [ ]	B. DATE *(MM-DD-YYYY)* May 16, 2004

Terms and Conditions for Emergency Haying and Grazing of CRP Acreage

Conservation Reserve Program

Terms and Conditions for Emergency Haying and Grazing of CRP Acreage

I/We hereby request authority for emergency haying or grazing of approved cover on CRP acreage.

I/We agree to: (1) obtain a modified conservation plan to include haying, 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 the TSP; (3) remove all hay or livestock from CRP acreage before the earlier of October 1, or 10 calendar days from the date notified by Farm Service Agency (FSA) at the local county office that emergency haying or grazing authorization has ended; (4) limit haying of CRP acreage to one cutting; (5) **not** hay and graze the same acreage; (6) **not** rent or lease the haying or grazing privilege for an amount greater than the applicable payment reduction; and (7) **not** sell the hay harvested according to this agreement.

Check the payment reduction option applicable to this contract:

_____ 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 or grazed, times **25 percent** of the CRP annual per acre payment rate.

I/We agree to leave at least **50 percent** of each field or contiguous fields unhayed, or leave at least 25 percent of each field or contiguous fields ungrazed for wildlife, or graze all of the CRP acreage at no more than 75 percent of the stocking rate determined by the TSP. If acreage hayed or grazed is more or less than originally intended, I/We will notify FSA at the local county office so the CRP annual rental payment can be adjusted accordingly.

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 or 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 or grazing begins.

CRP-1 Contract Number: _____ Farm Number: _____

Tract Number: _____ Field Number: _____ Acres Hayed/Grazed: _____

Participant's Signatures/Dates:

_____ _____

_____ _____

_____ _____

Using CRP-37

This is an example of CRP-37. Use CRP-37 when requesting to graze certain practices as part of the gleaning of crop residue in a field. File a copy in the producer's CRP folder.

This form is available electronically.

CRP-37
(07-23-10)

U.S. DEPARTMENT OF AGRICULTURE
Commodity Credit Corporation

REQUEST FOR INCIDENTAL GRAZING

1. **RETURN TO:** ***(County FSA Office Name and Address)***	2. CRP Contract Number
Lancaster County FSA 6030 Trade Center Capital City, NE 68516	217
	3. Farm Number 1001
	4. Date *(MM-DD-YYYY)* 10-09-2009

5. For the 2009 crop year, I (we) request authority to:

☒ Conduct incidental grazing in Field Number*(s)* *(1)* 1, 4 in conjunction with the gleaning of crop residue or grazing a small grain before harvest beginning *(2)* 10-17-2009 *(MM-DD-YYYY)*

I (we) understand and agree that:

- only CP8A, Grass Waterways, CP15A, Contour Grass Strips, and CP21, Filter Strips, CP33, Habitat Buffers for Upland Birds, may be grazed under this authority
- all livestock shall be removed from CRP acreage no later than 2 months after the date provided above
- there shall be a 25 percent reduction in the annual rental payment for the CRP acreage being grazed
- I (we) shall re-establish, at my (our) own expense, any cover destroyed or damaged as a result of participation under this authority, regardless of recommendations or determinations made by NRCS.

6. Check the payment reduction option applicable to this request:

A. ☐ The payment reduction has been paid in advance.
B. ☒ The annual rental payment, scheduled to be made after October 1, will be reduced.

7. All signatories to CRP-1 are required to sign, unless the payment reduction is paid in advance. If the payment reduction is paid in advance, only the participant making the request is required to sign.

A. Participant's Signature *(By)*	B. Title/Relationship *(Individual Signing in the representative capacity)*	C. Date *(MM-DD-YYYY)*
/s/ James Brown		10-09-2009
A. Participant's Signature *(By)* /s/ Betty Smith	B. Title/Relationship *(Individual Signing in the representative capacity)*	C. Date *(MM-DD-YYYY)* 10-09-2009
A. Participant's Signature *(By)*	B. Title/Relationship *(Individual Signing in the representative capacity)*	C. Date *(MM-DD-YYYY)* 10-09-2009

8A. Signature of CCC Representative	8B. Date *(MM-DD-YYYY)*	8C. County FSA Office Name and Address *(Including ZIP Code)* Telephone No. *(Including Area Code)*:

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This information collection is exempted from the Paperwork Reduction Act as it is required for the administration of the Food, Conservation, and Energy Act of 2008 (see Pub. L. 110-246, Title II, Subtitle J-Miscellaneous Conservation Provisions). The provisions of criminal and civil fraud, privacy and other statutes may be applicable to the information provided. ***RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.***

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***--General Information for TIP Payments**

A Introduction

The TIP payment process is an automated process that determines the following:

- whether the producer is eligible to receive payment
- payment amounts that can be sent to NPS for disbursement
- overpayment amounts that will be updated to the Pending Overpayment Report if the producer is determined ineligible after a payment has been disbursed.

B Payment Processing and Eligibility

The TIP payment process uses the common payment process developed for other programs such as SURE, ELAP, and Reimbursement Transportation Cost Program. See 9-CM for additional information on the common payment process including the eligibility rules applicable for TIP.

C Frequency of Payment Processing

TIP payments are processed nightly for the following:

- payment amounts recorded through the TIP payment process during the workday
- any payment on the Nonpayment or Insufficient Funds reports will be reprocessed nightly to determine whether the condition previously preventing the payment has been corrected. See 9-CM for additional information on the Common Payment Reports.

D Payments Less Than $1

TIP payment process will:

- issue payments that round to at least $1
- **not** issue payments less than 50 cents.

E eFunds Allotment

TIP payments are controlled through the e-funds process. Allotments will be provided to each County Office by the National Office based on total net TIP payment amounts for the applicable program year by administrative State and County Office as computed through the TIP payment process.

If additional funds are required, County Offices shall contact the appropriate State Office specialist. State Offices shall contact the National Office to request additional allotments by sending an e-mail with the program year and amount to **lana.nesbit@wdc.usda.gov**.**--***

***--General Information for TIP Payments (Continued)**

F Payment Limitation

The payment limitation for TIP is $50,000. The following programs are subject to the same $50,000 for the program year:

- CRP
- EFCRP
- SAFE
- TIP.

The accumulated total of all payments for these programs cannot exceed $50,000 for the applicable program year. Determining the amounts subject to payment limitation also varies based on whether the contract is subject to 1-PL or 4-PL rules. All TIP payments are subject to 1-PL provisions.

See 1-PL and 4-PL for additional information on controlling payment limitation.

G Payment Due Date

61-FI provides general guidance for determining payment due dates for various programs. The TIP payment system sends the current system date to NPS as the payment due date. The system **cannot** determine the payment due date because of numerous factors. County Offices shall manually determine the payment due date by determining the later of the following:

- date producer signed CRP-1R

- date producer filed payment eligibility documentation, including the following:

  - AD-1026
  - CCC-502
  - CCC-526, if AGI provisions were applicable to the expiring CRP contract

- if the producer is an entity or joint operation, date members filed the requisite payment eligibility documentation

- availability of software to process the payment, usually the first week of October of the applicable payment year.

If the payment is **not** issued within 30 calendar days after the later of the dates in this subparagraph, then prompt payment interest is payable to the producer. County Offices shall:

- manually determine the payment due date based on the factors identified in this subparagraph
- follow the provisions of 61-FI for issuing the interest payment.**--***

General Information for TIP Payments (Continued)

H AGI

AGI provisions are not applicable to TIP unless the CRP contract was extended through the REX process. If extended through REX, the $2.5 million AGI provisions are applicable.

--**Since TIP does not have an automated contract process to determine AGI based on the**--
eligibility applicable to the expiring CRP contract, there is no way for the payment system to check AGI eligibility. Therefore County Offices shall follow this table if a producer or member does not meet AGI provisions.

IF the producer on CRP-1R…	**THEN County Offices shall…**
does not meet AGI provisions	• notate the ineligibility on CRP-1R • not record the payment in the TIP payment software.
is an entity or joint operation and at least one member does not meet applicable AGI provisions	notify their State Office. State Offices shall contact CEPD for assistance.

*--TIP Payment Software

A Introduction

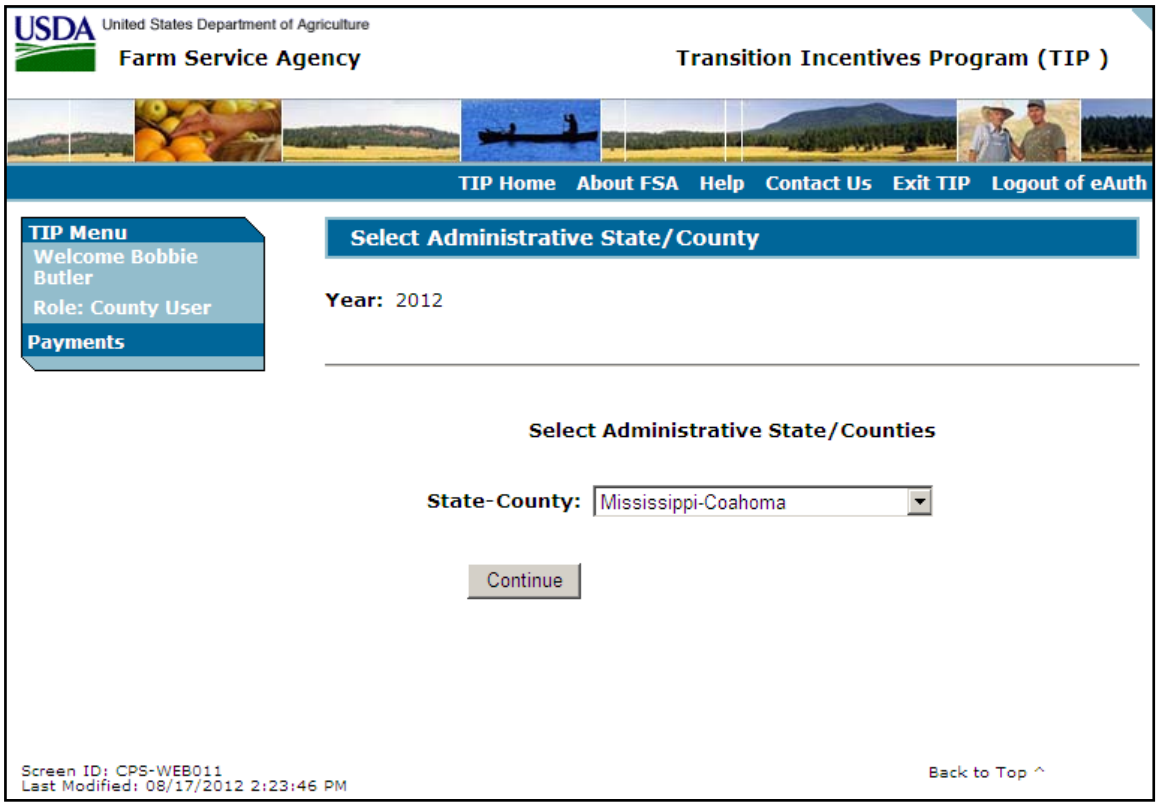
Because an automated application process has not been developed for TIP, the amounts calculated through the TIP Workbook must be recorded in the web-based TIP payment process.

B Accessing the TIP Home Page

To access the TIP Home Page, go to FSA's Applications Intranet web site at **http://fsaintranet.sc.egov.usda.gov/fsa/FSAIntranet_applications.html**. Under Conservation, CLICK "TIP Payment Process".

Users will be prompted to login through the USDA eAuthentication Login Screen. Login in the normal manner and the TIP Home Page will be displayed.

The following is an example of the TIP Home Page.



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TIP Payment Software (Continued)

C Recording Payment Amounts

***--**Payments can be recorded for 2012, 2013, and 2014; however, they will **not** process until the payment due date.

- Additions or changes made to 2012 payments will be processed immediately.
- 2013 installment payments will process after October 1, 2013.
- 2014 installment payments will process after October 1, 2014.

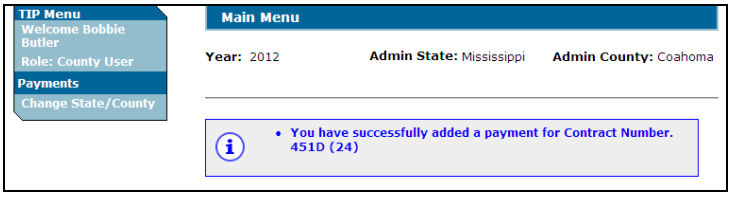
Record TIP payment amounts according to this table.

Reminder: Do **not** record payment amounts for producers who do **not** meet AGI provisions. See Exhibit 60, subparagraph H for additional information.

Step	Action	Result
1	On the TIP Home Page: • select the program year from the drop-down list • CLICK "Continue".	The Select an Administrative State/County Page will be displayed.
2	On the Select an Administrative State/County Page: • select the administrative State and county associated with the producer's CRP-1R • CLICK "Continue".	The Main Menu will be displayed.
3	On the Main Menu, CLICK "Record Calculated Payment".	The SCIMS Search Page will be displayed.
4	The SCIMS Search Page will provide various options for selecting a producer. Enter the producer information using the desired option and select the applicable producer to continue.	The Enter New Contract Number Page will be displayed with the selected producer name.
5	On the Enter New Contract Number Page: • enter the contract number from CRP-1R from the TIP Workbook **Reminder:** The contract number shall be the same as the expiring CRP contract, and "TIP" shall **not** be included in the contract number. • CLICK "Continue".	The Record Calculated Payment Page will be displayed.
6	On the Record Calculated Payment Page: • enter the payment amount for the selected producer and contract • CLICK "Submit".	The Record Calculated Payment Confirmation Page will be displayed.

--*

C Recording Payment Amounts

Step	Action	Result
7	On the Record Calculated Payment Confirmation Page, CLICK "Confirm" to record the payment amount.	The Main Menu will be redisplayed with a message confirming the payment has been added.
8	After the payment is added, an internal tracking number will be displayed with the contract number. **Example:** In this example, the "24" is the internal control ***--**number for contract 451D.**--***  **Recommendation:** County Offices should record the internal control number on CRP-1R and/or the TIP Payment Report printed from the TIP Workbook process.	

D Modifying/Deleting TIP Payment Amounts

Modify and delete TIP payment amounts according to the following.

Step	Action	Result
1	On the TIP Home Page: • select the administrative State and county associated with the producer's CRP-1R • CLICK "Continue".	The Main Menu will be displayed.
2	On the Main Menu, CLICK "Modify/Delete Calculated Payment".	The SCIMS Search Page will be displayed.
3	The SCIMS Search Page will provide various options for selecting a producer. Enter the producer information using the desired option and select the applicable producer to continue.	The Select Contract Number Page will be displayed with the selected producer name.

TIP Payment Software (Continued)

D Modifying/Deleting TIP Payment Amounts (Continued)

Step	Action		Result
4	On the Select Contract Number Page: • select the contract for the selected producer that needs to be modified or deleted from the drop-down list **Note:** The internal contract number assigned when the payment was originally recorded is displayed with the contract number in the drop-down list. For example "451D (24)". • CLICK "Continue".		The Modify/Delete Calculated Payment Page will be displayed.
5	On the Modify/Delete Calculated Payment Page the recorded payment amount will be displayed.		
	IF the user wants to…	**THEN…**	
	modify the payment amount previously recorded	• revise the payment amount displayed ***--Note:** The calculated contract payment amount for the producer should be entered--* regardless of amounts previously recorded and/or paid to the producer for the contract. • CLICK "Modify".	The Modify Calculated Payment Confirmation Page will be displayed.
	delete the payment	CLICK "Delete".	The Delete Calculated Payment Confirmation Page will be displayed.
6	On the Modify/Delete Calculated Payment Confirmation Page, CLICK "Confirm" to modify or delete the payment amount.		The Main Menu will be redisplayed with a message confirming the payment has been modified or deleted.

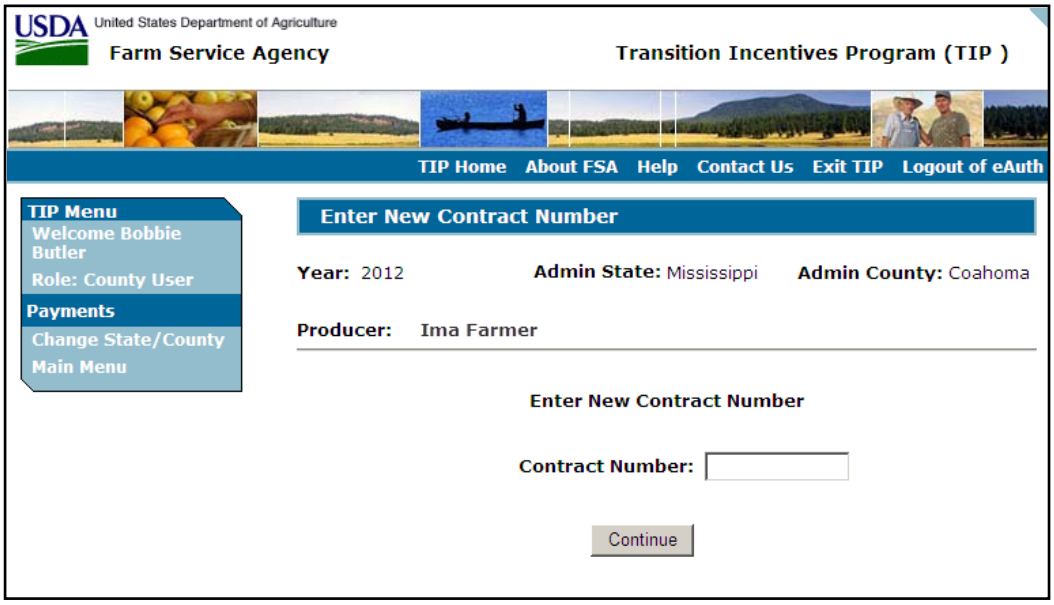
***--TIP Payment Software (Continued)**

E Enter New Contract Number Page

The Enter New Contract Number Page allows the user to specify the contract number associated with CRP-1R. The contract number entered:

- can contain numbers and letters
- should not include any spaces or special characters, such as hyphens
- should not include the word "TIP".

The following is an example of the Enter New Contract Number Page.



The following options are available on the Enter New Contract Number Page.

Option	Action
Change State/County	Option on the left navigation menu allows the user to go back to the TIP Home Page.
Main Menu	Option on the left navigation menu allows the user to go back to the TIP Main Menu.
Continue	Continues to the Record Calculated Payment Page.

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***--TIP Payment Software (Continued)**

E Enter New Contract Number Page (Continued)

The following error messages may be displayed on the Enter New Contract Number Page if the data recorded does not meet the applicable validations. Users must correct these conditions before proceeding to the next applicable page.

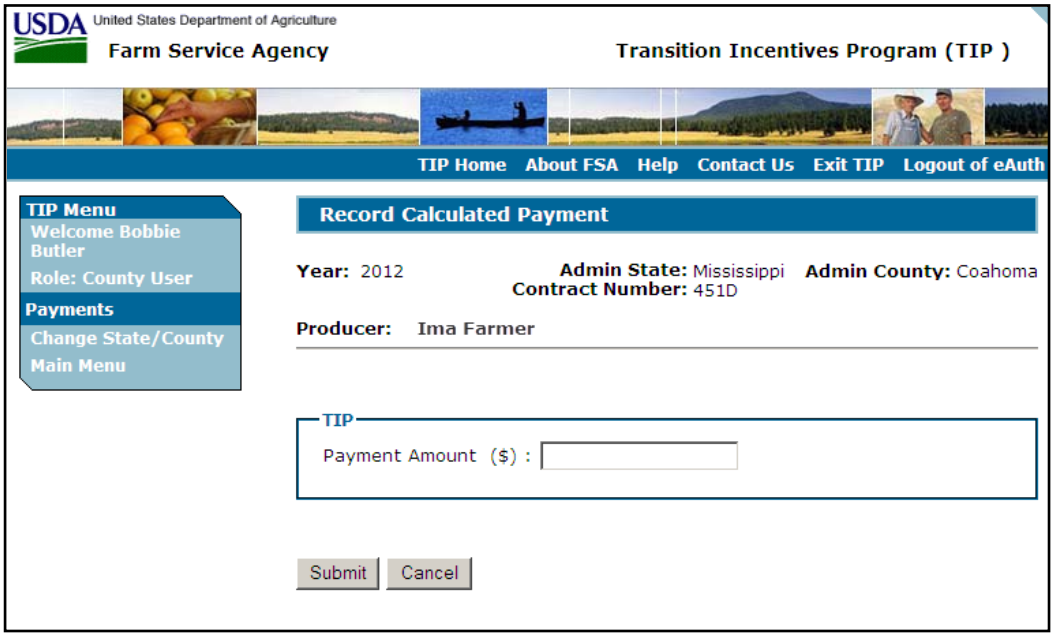
Error Message	Corrective Action
Contract Number is required	Ensure the contract number from the CRP-1R has been entered.
Contract Number can contain letters and number only. No spaces or special characters allowed.	Correct the contract number by removing the spaces and/or special characters, such as hyphens. **Example:** 451D

F Record Calculated Payment Page

The Record Calculated Payment Page allows the user to record the calculated payment amount from the TIP Workbook associated with the selected producer and TIP contract. The payment amount entered must be:

- in whole dollars
- greater than $0.

The following is an example of the Record Calculated Payment Page.



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TIP Payment Software (Continued)

F Record Calculated Payment Page (Continued)

The following options are available on the Record Calculated Payment Page.

Option	Action
Change State/County	Option on the left navigation menu allows the user to go back to the TIP Home Page.
Main Menu	Option on the left navigation menu allows the user to go back to the TIP Main Menu.
Submit	Displays the confirmation page to record the payment. Once confirmed, returns to the TIP Main Menu.
Cancel	Discontinues the process and returns to the TIP Man Menu **without** saving the payment amount.

The following error messages may be displayed on the Record Calculated Payment Page if the data recorded does not meet the applicable validations. Users **must** correct these conditions before proceeding to the next applicable page.

Error Message	Corrective Action
The amount recorded in each field must be in whole dollars.	Correct the payment amount recorded by entering whole dollars without cents. The TIP Workbook is designed to round to whole dollars using traditional rounding rules.
Payment amount is empty or not numeric for account TIP.	The payment amount was either not entered or included something other than numeric values, such as a $, comma, or character. Enter the numeric payment amount only.
Payment amount must be greater than 0.	Payment amounts being recorded for the first time must be greater than zero. Change the payment amount to continue.

G Modify/Delete Calculated Payment Page

The Modify/Delete Calculated Payment Page allows users to modify or delete the calculated payment amount that was previously recorded. When modifying payment amounts, the payment amount entered:

- ***--**shall be the calculated contract payment for the applicable producer, contract, and year**--*** from the TIP Workbook

  Example: $1,000 was originally recorded for the producer and contract and the payment was disbursed to the producer. It is then determined the TIP contract acres used to calculate the payment were incorrect. After correcting the acres in the TIP ***--**Workbook, the revised contract payment amount is $900.**--***

  $900 is the modified payment amount.

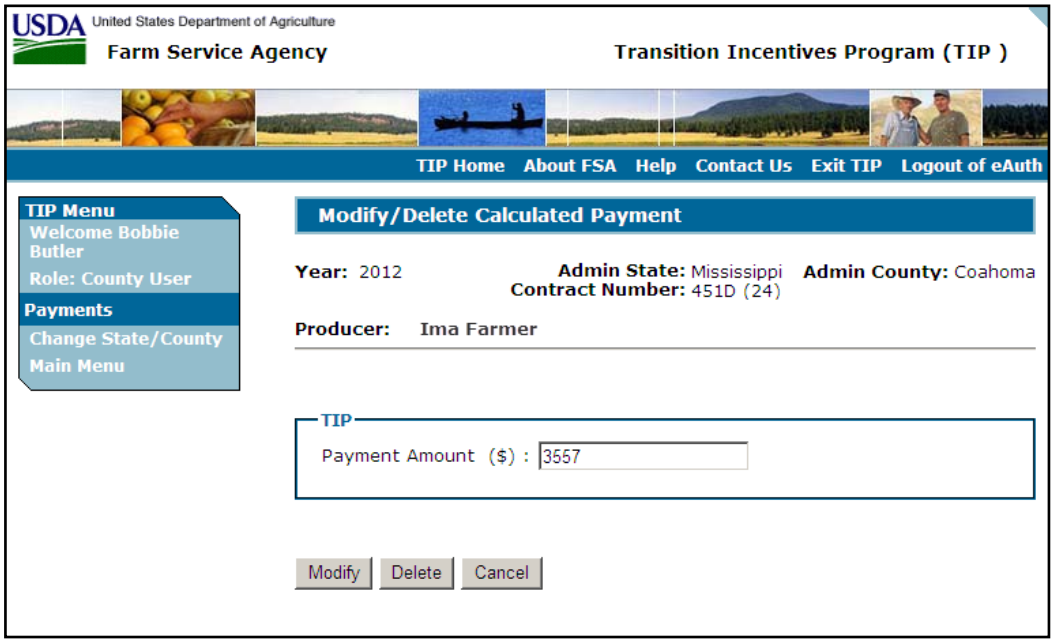
- must be recorded in whole dollars

- must be greater than $0.

***--TIP Payment Software (Continued)**

G Modify/Delete Calculated Payment Page (Continued)

The following is an example of the Modify/Delete Calculated Payment Page.



The following options are available on the Modify/Delete Calculated Payment Page.

Option	Action	
Change State/County	Option on the left navigation menu allows the user to go back to the TIP Home Page.	
Main Menu	Option on the left navigation menu allows the user to go back to the TIP Main Menu.	
Modify	The Modify Calculated Payment Confirmation Page will be displayed to confirm the modified payment amount is correct. Once confirmed: • the payment triggers to reprocess to determine if the producer is over or underpaid • TIP Main Menu will be redisplayed.	
	IF the producer is…	**THEN…**
	underpaid	assuming all other eligibility requirements are met, the payment will be processed and sent to NPS for certification/signature the next business day.
	overpaid	producer is listed on the Pending Overpayment Report. See 9-CM.

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***--TIP Payment Software (Continued)**

G Modify/Delete Calculated Payment Page (Continued)

Option	Action
Delete	Displays the Delete Calculated Payment Confirmation Page to confirm the payment should be deleted. Once confirmed, the payment triggers to reprocess to determine if the producer is overpaid. If overpaid, the overpayment amount is listed on the Pending Overpayment Report.
Cancel	Discontinues the process and returns to the TIP Main Menu **without** saving the changes made to the payment amount.

The following error messages may be displayed on the Modify/Delete Calculated Payment Page if the data recorded does not meet the applicable validations. Users must correct these conditions before proceeding to the next applicable page.

Error Message	Corrective Action
The amount recorded in each field must be in whole dollars.	Correct the payment amount recorded by entering whole dollars without cents. The TIP Workbook is designed to round to whole dollars using traditional rounding rules.
Payment Amount is empty or not numeric for account TIP.	The payment amount was either not entered or included something other than numeric values, such as a $, comma, or character. Enter the numeric payment amount only.
Payment amount must be greater than 0.	Payment amounts being recorded for the first time must be greater than zero. Change the payment amount to continue.

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*--Handling Contract Modifications for Payment Processing

A Introduction

An automated contract process has **not** been developed for TIP contracts. As such, contract information was originally maintained on an Excel spreadsheet and uploaded to the National Office.

In August 2012, a new process was implemented to capture and maintain the contract information.

- An Excel workbook was distributed that required County Offices to record detailed contract information.

- Workbooks were uploaded to a new SharePoint site and imported into a database. A report was then posted to the SharePoint site that includes contract information for all States and counties from the upload.

- A section was added to the SharePoint site that allows State and/or County Office users to add new contracts or modify existing contract information that was uploaded.

B TIP SharePoint Site

The TIP SharePoint site was established so all contract information could be submitted to the National Office instead of an automated contract process. Initially, the site was used to upload the TIP Workbooks that were updated by State and County Offices in August 2012.

The site is now used to:

- dispense information related to TIP
- provide a method for reporting contract changes.

Access the TIP SharePoint site at
https://fsa.sc.egov.usda.gov/mgr/dafp/PECD/TIPpayments/default.aspx.

C SharePoint Authorized Users

When the SharePoint site was initially deployed, a list of users was obtained from each State Office. This list included all State and County Office users with responsibility for administering TIP.

An e-mail message should be sent to Tracey Smith at **tracey.smith@wdc.usda.gov** to do either of the following:

- request that new users be added
- delete users that no longer are responsible for administering TIP.**--***

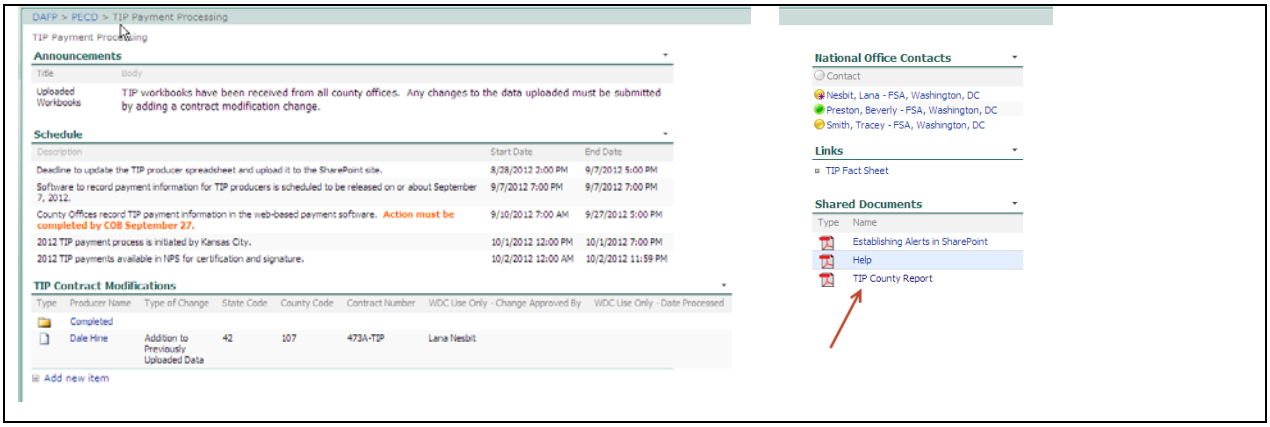
***--Handling Contract Modifications for Payment Processing (Continued)**

D TIP County Report

The TIP County Report is a comprehensive list of all TIP contracts enrolled. It is critical that this report be maintained throughout the life of TIP because the information is used to:

- oversee program activities since software is **not** available for TIP contracts
- obligate funds that must be in place to pay participating, eligible producers.

The TIP County Report can be accessed from the TIP SharePoint site by clicking the report under the "Shared Documents" section.



E Reporting Contract Changes

The TIP SharePoint site includes a "TIP Contract Modifications" section. State and County Offices shall ensure that all changes to TIP contract information are reported to the National Office for reasons including, but not limited to, the following:

- information uploaded through the TIP workbook process was incorrect or incomplete
- CRP-1R has been modified because of succession or revision
- CRP-1R has been terminated.**--***

***--Handling Contract Modifications for Payment Processing (Continued)**

E Reporting Contract Changes (Continued)

This table describes how to report a change to contract information.

Step	Action
1	On the TIP SharePoint site, CLICK "Add new item" under the "TIP Contract Modifications" section.
2	Complete each field, except those specifically designated as "WDC Use Only". **Note:** The system will compute the contract payment amounts for each installment. If the amount should be prorated, then include the prorated information in the "Comments" section.
3	CLICK "OK" to redisplay the main page of the SharePoint site with summary information for the applicable contract or producer.

F National Office Action

When TIP contract modification items are added to the SharePoint site, the National Office program managers receive an e-mail notification. The following is the action that is taken for each case.

- Case is reviewed to ensure that applicable program provisions have been met.

- If there are questions about the change, the State and/or County Office that submitted the information will be contacted for additional information.

- Once the modification is determined acceptable:

  - TIP contract database is updated
  - revised TIP County Report is posted that reflects the updated contract information
  - State and/or County Office is notified by e-mail that the action is completed.

  Reminder: The information on the TIP County Report is used to obligate funds for payment processing, so it is critical that all information is accurately updated on this report.**--***