

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency  
Washington, DC 20250

**Agricultural Resource  
Conservation Program  
2-CRP (Revision 5)**

**Amendment 7**

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



**Amendment Transmittal**

**A Reasons for Amendment**

This amendment provides that practice CP28 is no longer required in conjunction with practice CP39. The associated buffer required in conjunction with CP39 should be enrolled as CP39.

Subparagraph 237 C has been amended to add that a buffer must be enrolled as part of the CP39.

Subparagraph 241 C has been amended to remove practice CP39.

Paragraph 243 has been amended to:

- clarify land eligible for enrollment in CP39
- clarify buffer requirements for CP39
- update the example
- include waivers for CP39 acreage that exceeds 40 acres.

Exhibit 11 has been amended to remove:

- CP39 from the practice requirements for CP28 farmable wetlands pilot buffer
- CP28 from the FWP constructed wetland.

<b>Page Control Chart</b>		
<b>TC</b>	<b>Text</b>	<b>Exhibit</b>
	8-1, 8-2 8-7 through 8-12	11, pages 137-140 pages 235, 236



**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.

**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.

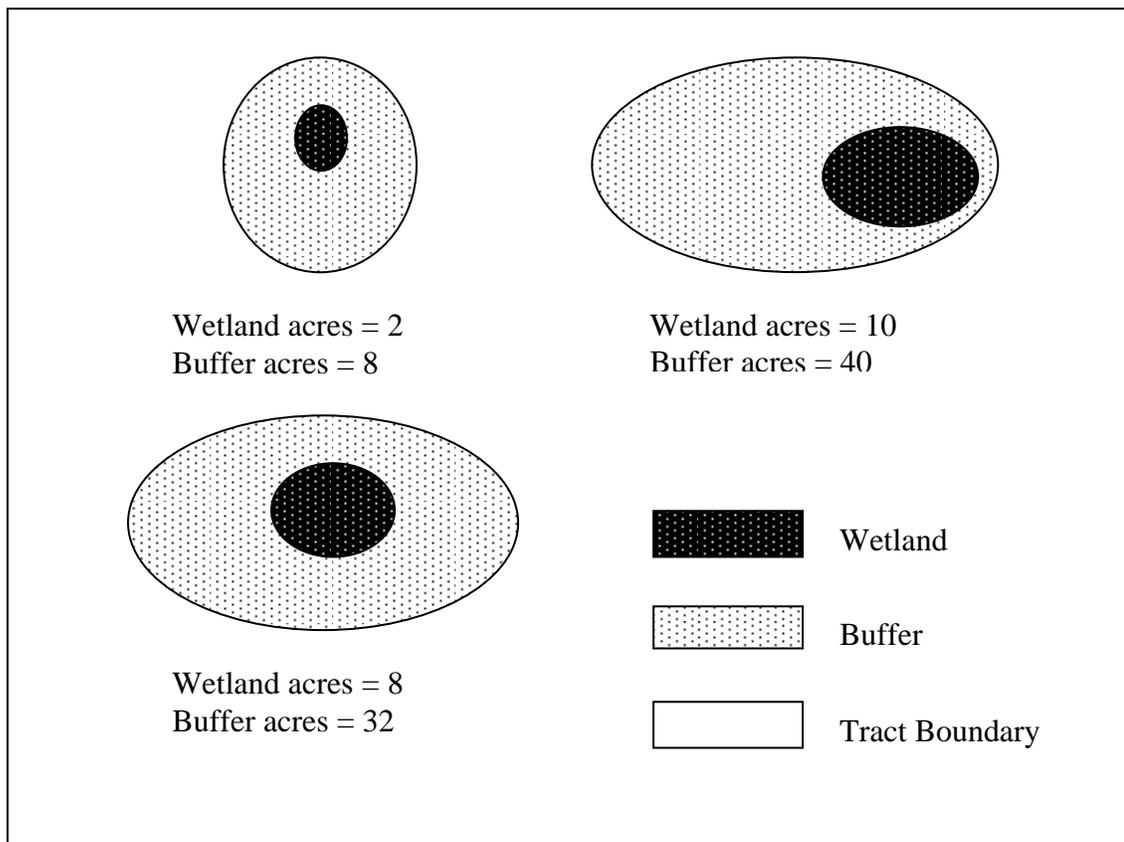
A producer offers a 10 acre wetland, a 12 acre wetland, a 15 acre wetland and an 8 acre wetland. All are offered as CP40. Because there is no limit on the wetland size of CP40, all wetlands are eligible to be offered for enrollment in FWP. A buffer may be installed around the wetlands, but is not required.

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.--\***

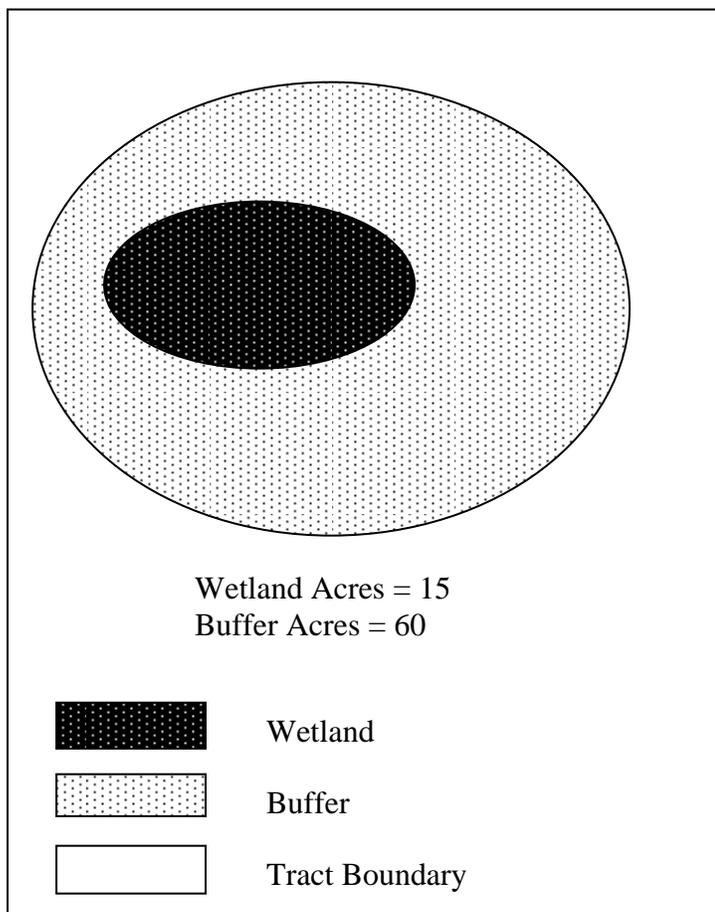
243 Acreage Limitation and Practice Eligibility for CP39 (Continued)

**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.

National CRP Practices (Continued)

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	<ul style="list-style-type: none"> <li>• required in the practice specifications</li> <li>• needed until the required seeds or plant stock is available</li> <li>• needed because the normal planting period for the permanent cover crop has passed</li> <li>• that a soil condition, such as chemical residue, will not allow establishment of the permanent cover immediately</li> </ul>	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	<p>to control concentrated flow and site preparation.</p> <p><b>Important:</b> Grading, leveling, and filling does not include shaping or manipulation of the streambank.</p>	
tree shelters, netting, plastic tubes, or other animal control devices	<p>approved by STC for the area and substantiated as needed by technician and COC to prevent damage from wildlife browsing</p> <p><b>Note:</b> STC <b>must</b> designate areas where using such measures is warranted and cost-effective to protect seedlings.</p>	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	

**National CRP Practices (Continued)****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.

**National CRP Practices (Continued)**

**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.

## National CRP Practices (Continued)

## 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

**National CRP Practices (Continued)****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.

National CRP Practices (Continued)

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
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: <ul style="list-style-type: none"> <li>• establishment of permanent native grass species</li> <li>• establishment of permanent introduced grasses and legumes and native shrub species, where determined necessary to improve wildlife habitat</li> <li>• planting annuals as a nurse crop to prevent erosion while permanent cover is becoming established</li> </ul>	327, 338, 340, 512, 550, 587, 612, 638, 644, 645, 656, 657, 658, and 659.