

## Questions & Answers Set for the FSA/NRCS Joint Training (1/10/2018)

Q: Can we receive a copy of the slides from Jim's presentation on Maintenance and Mid-Contract Management?

A: Yes, a copy of Jim's Mid-Contract Management (MCM) presentation has been posted to the SharePoint. The location for that presentation is given in the email that delivered this Q & A sheet.

Q: Does the farmer have to do a mid-contract management? What if we go out do a status review and everything looks ok. Can it be modified out?

A: Beginning with signup 26 all CRP/CREP participants are required to perform at least one mid-contract management activity (MCM is not required for CP12 and CRP Grassland Practices CP87 and CP88), there are no exceptions (2-CRP (Rev. 5) Par. 428A). Following the status review, if the scheduled MCM is determined not to be beneficial for the current cover the conservation plan shall be modified to include a different approved MCM that will be more beneficial for the current cover. Modifications to the conservation plan will be made following standard procedure in 2-CRP (Rev. 5) Par. 429.

Q: The "easy" jobsheet Jim showed for CP-1 definition says "native" WSG and "native" CSG – shouldn't it say "introduced" instead of native?

A: Yes, it should. That's been corrected on the Job Sheet. Please let Jim Gillis know as you find these kinds of errors in the future, so they can be corrected.

Q: CRP-26 letter – does the letter need to include appeal rights?

A: Yes, the CRP-26 Letter must include appeal rights according to 1-APP, there is a statement indicating such at the bottom of the letter in 2-CRP (Rev. 5) Exhibit 5.

Q: Can we process new CRP-2Cs?

A: Yes, Notice CRP-843 announced continuous signup 51 and authority to accept and approve **CREP offers** beginning October 1, 2017.

CRP grasslands offers can be accepted but may only be approved if authorized after a ranking period.

New offers for Continuous CRP signup shall **not** be accepted by FSA due to the statutory 24 million acres cap. Refer to FSA Notice CRP-843 for details.

County Offices shall continue processing new CREP offers and sending them to NRCS for needed and feasibility determination. However, CPO's shall not be approved by COC or CED if updated narratives and job sheets are not included in the CPO's.

Q: Are status reviews done only at MCM? Can NRCS initiate a status review if problems are noticed while out at the site for another reason?

A: NRCS is responsible to conduct Status Reviews for CRP/CREP when requested by FSA to:

- 1) address the condition of the CRP/CREP fields prior to MCM implementation
- 2) address the condition of the CRP/CREP fields of expiring contracts
- 3) document the progress of practice establishment for certain CRP/CREP practices that NRCS has technical responsibility
- 4) address the condition of CRP/CREP fields as required by FSA to determine compliance

**Important:** In all cases, NRCS conduct the field visit and complete the Status Review Form with observations and recommendations. FSA is responsible to determine compliance and follow up with noncompliance cases.

Refer to 2-CRP (Rev. 5) Paragraphs 52, 428, 601, and Exhibit 9.

Q: Can a non-USDA affiliate (i.e., RC&D, CBF, PF, etc.) sign the LTP-13 status review form?

A: Affiliates are welcome to also put their name on the form as the person who completed it, but all Status Reviews must be signed by the local District Conservationist to be official.

Q: Can a farmer install his own trees for a CP-22 and still be eligible for the state 50% cost-share?

A: If the FSA County Committee deems a person to be qualified to install the buffer and/or perform maintenance on the established buffer, then the landowner is meeting the requirements to receive State cost share for the installation and maintenance of the CREP practice.

Q: NRCS has standards. Why do we certify practices for CREP that don't exist in NRCS policy?

A: Because we have to: as a program administered by FSA, CRP (and therefore CRP-G and CREP) contains practices that do not exist in NRCS policy. Some CRP practices are similar enough to a NRCS practice to allow the use of NRCS' existing materials for adequate documentation. Other CRP practices—or more frequently, *components* of CRP practices—don't exist in NRCS policy at all. In those cases, NRCS will plan, install, and certify conservation practices in the usual time-tested ways—

but keep in mind that differences are unavoidable and NRCS will occasionally HAVE TO use materials other than standards and policy. The CRP-specific Job Sheets are an attempt to bridge the gap between NRCS standards and CRP practices.

Q: Please clarify difference between validation and establishment, especially in CP22.

A: There is no such thing as “validation” for any CRP practice; certification is a more accurate word for the idea in question. *Certification* by NRCS indicates that a CRP practice has been installed to the level specified by the plan/Job Sheet(s)—which then allows FSA to release the cost-share payment associated with that CRP practice (similar to certification of an EQIP practice). In contrast, *establishment* refers to when a practice has become mature enough to no longer need intensive management, is more capable of sustaining itself, and is more likely to be fulfilling its planned purpose. For the example of CP22 in this question, a CP22 practice could be certified as soon as the site prep has been done, the trees have been planted, the tree protection has been put in place, and any supporting practices (fence, etc.) have been installed to Job Sheet specifications. However, we would never call a CP22 established so soon after installation, because it takes time to develop the characteristics necessary to fulfill its purpose. Establishment would likely be three to four years later, and during those years, mowing and spraying to aid the tree survival are unrestricted.

Q: In a 15 year plan, is there only 1 MCM? It was 2; one at 5 years and one at 10 years.

A: Per 2-CRP (Rev. 5) Par. 428 for a 15 year plan participants are required to complete 1 MCM activity before the end of year 9. Additional activities may be included and occur up to year 13 for 15-year contracts.

Q: Whose responsibility is it to notify applicants of expiring contracts/opportunity to re-enroll? FSA?

A: It is FSA’s responsibility to notify participants with expiring contracts their acreage may be re-offered for CRP/CREP no earlier than 6 months before CRP-1 is scheduled to expire 2-CRP (Rev. 5) Par. 213C.

Q: Who signs the CPA-52 as the responsible Federal Official for CREP?

A: NRCS shall prepare the NRCS-CPA-52 form and provide a copy to FSA including any related documentation, permits, or other permissions necessary to perform and maintain practices, as provided by NRCS on NRCS-CPA-52, Section G to support conclusions made about potential impacts on environmental resources and special issues identified in the completed NRCS-CPA-52.

FSA is responsible for reviewing Section G of the CPA-052 to ensure that all permits and other permissions are provided to FSA by the producer or NRCS. FSA must maintain copies of the permits and other permissions in

the producer's file. CED's must review all supporting documentation prior to signing off on the CPA-052 to ensure that FSA has a comprehensive administrative record.

Refer to 2-CRP (Rev. 5) Subparagraphs 366 B, 366 D, and 367 F.

Q: If a buffer (CP22) has 70% or higher survivor rate/meets PC, but has open areas, can this have interplant/seeding MCM?

A: Please note that there are two separate MCMs lumped into this question—Interplanting and Interseeding/Overseeding—and that those MCMs are very different in their requirements.

*Interseeding/Overseeding* is an eligible MCM when the goal is to increase herbaceous plant diversity, improve wildlife or pollinator habitat, reduce erosion, or further protect water quality.

*Interplanting* is only an eligible MCM when the site has either 1) a plant density lower than 200 plants per acre, or 2) three or fewer species of trees/shrubs present in the CRP planting. Very few CRP plantings will have less than three species of trees/shrubs present, so meeting that requirement will probably be rare. But since most CRP/CREP tree/shrub plantings were originally planted with densities of less than 200 plants per acre, even sites with high survival rates may be eligible for Interplanting. For example, a CP22 planted at 150 plants/acre with 80% survival would have roughly 120 plants per acre—and therefore could be eligible for Interplanting. Only sites where abundant natural regeneration helps meet the 200 plants/acre requirement may have trouble meeting the Interplanting criteria for tree/shrub density.

Q: What about maintenance in new CP22s?

A: Establishment activities in new CP22s is unchanged. Mowing and herbicide treatments are unlimited and can be done at any time during the establishment period. This applies to all CRP/CRP-G/CREP practices, not just CP22: **the new maintenance limitations don't take effect until the establishment period of the given practice is over**; until then mowing and other establishment activities are unrestricted and strongly encouraged. This idea is also included in the Job Sheet for each CRP practice.

Q: For the NRCS-CPA-1155, will NRCS have the CREP cost list that is current and all costs included to be accurate?

A: No, this is a technical impossibility, because NRCS's computer software simply *cannot* produce a CPA-1155 that will be accurate for CRP/CRP-G/CREP. FSA's program rules and software can allow and pay for items and components that don't exist in NRCS's Customer Toolkit system, meaning that NRCS has no way to include those items or components in the plan from which the 1155 is developed. For example, FSA can pay for a variety of different types of tree shelters as well as the stakes and ties to install them; however, NRCS has no way to include those individual items in Toolkit, meaning that they'd never appear on an 1155. As with the question above related to certifying practices for which

there are no NRCS standards, the specific CRP Job Sheets have been created to bridge this gap. By filling out the Job Sheets in their entirety, NRCS will provide FSA with enough information to draft an accurate contract. An 1155 is required by policy, but the contract will be based on the components and amounts listed in the Plan and Job Sheets.

Q: Where do we include “other” management activities not cost shared in the plan? What practice #?

A: Any items or activities that cannot be included in the Toolkit plan must be documented in the Job Sheet associated with the specific practice or MCM. Refer to the list of Conservation Practice (CP) narratives and MCM narratives; when available, practice codes and funding codes (CRO or CTA) have been provided there. Note that if the participant intends to do some form of management, the instructions for that management **must be** provided, regardless of whether the management will be cost-shared or not, and the only place to provide that guidance is in the Job Sheet(s).

Q: Is the DD review of the first 5 CREP offers per county on an annual basis or for new employees (third slide on page 10)?

A: The DD is to review the first 5 CREP offers per county office per CREP agreement, there is no annual or new employee review required by 2-CRP (Rev. 5) Par. 401.

Q: Does each county have a maximum of cropland acreage that can be offered for CREP?

A: Yes, the maximum is 25% of any individual counties total cropland may be enrolled in CRP, CRP grassland, ACEP-WRE, CREP, and FWP (2-CRP (Rev. 5) Par. 81).

Q: I understand re-enrollment deadline/timeline is not carved in stone. The 7/13/18 Final Status Review date – What if acreage is out of compliance and participant wants to bring back into compliance, recommended Final Status Review date still 7/13/18?

A: Correct, the dates are not carved in stone, but are intended to help in the processing re-enrollment offers to have them complete by the deadlines that National Office may set later.

Q: For re-enrollment NRCS goes out to look at CP22. Tree establishment and maintenance is great. However, NRCS notes there is no stream. “Per policy, expiring CREP acreage meets feasible and needed criteria.” So, these will remain in CREP?

A: For cropland or marginal pastureland to be eligible to be devoted to practice CP22 in CRP/CREP, the land must be immediately adjacent and parallel to an eligible water body as determined by NRCS

according to policy provisions in 2-CRP (Rev. 5) Par. 181 E. Although policy provided in 2-CRP (Rev. 5) Par. 181 A states that expiring CRP acreage automatically meets the needed and feasible eligibility requirement and, in your example above the practice also meets the requirement in PA Exhibit 4 regarding tree cover, the practice will not meet the purpose of the practice and thus is ineligible for enrollment. This example would fall under Erroneous Land Eligibility procedure in 2-CRP (Rev. 5) Par. 638.

Q: NRCS in our area usually meets with the participant and FSA to explain Conservation Plan for signatures, when they sign with FSA, can we still do that?

A: This training was not meant to change processes that counties have found work best for them but provide an overview of how contracts should flow from inquiry to signing and the responsibilities for all parties. In regards to signing the conservation plan, it is critical a correct and complete plan is provided to the participant that meets all the requirements in 2-CRP (Rev. 5) before the CED may approve the plan.

FSA and NRCS are required to follow procedures provided in 2-CRP (Rev. 5) Par. 171 and 211 for processing CRP/CREP offers.

Q: Participants often do not know exact acreage which they may want to offer (ex. 35' – 180' set backs from stream banks for CP22)?

A: This is a case where FSA and NRCS/TSP will need to work together to assist the participant. FSA would determine Land Eligibility (Cropland/MPL) and Practice Eligibility (CP22 is eligible as both Cropland/MPL) and provide NRCS/TSP with the participants information for them to complete a field visit for technical determinations regarding required width to address resource concern using size requirements provided in 2-CRP (Rev. 5) Exhibit 11. FSA can also offer measurement service to the participant per 2-CRP (Rev. 5) Par. 401.

Q: Practice eligibility sometimes needs to be determined by NRCS based on site particulars?

A: NRCS is always—not sometimes—responsible to conduct a site visit to determine if the:

- existing cover is functioning as the practice offered
- practice offered meets the purpose of the practice according to 2-CRP (Rev. 5) Exhibit 11
- acreage offered is suitable for the practice offered
- practice offered is needed and feasible to solve the resource concern.

FSA is responsible to determine participant, land, and practice eligibility according to 2-CRP (Rev. 5) Paragraphs 81, 126, 130, 131, 151, 181 and Exhibit 11.

If the participant is present while NRCS/TSP is completing their site visit for technical determination and through discussion the participant may be interested in a different cropland/MPL practice, this would need to be communicated to FSA to re-determine if Land and Practice Eligibility requirements are still met. Changing practices may result in different Erodibility Index and other requirements needing to be met.

Refer to 2-CRP (Rev. 5) Paragraphs 171 and 211 for details on processing Continuous CRP and CREP offers.

Q: If an expiring participant misses telling us that they are interested in re-enrolling and then calls after 10/1 what are the options?

A: This assumes they still meet all Producer Eligibility Requirements. If a participant comes back to FSA after their contract expires they would be treated as a new contract. FSA would complete Land and Practice Eligibility determinations according to 2-CRP (Rev. 5) Par. 151 and 181. NRCS would then need to complete a technical determination if the offered practice needed and feasible to solve the resource concern according to 2-CRP (Rev. 5) Par. 181 A or 181 C.

Q: Are Conservation District Managers supposed to sign Conservation plans for CREP?

A: Conservation Districts are required to sign the Conservation plan but 2-CRP (Rev. 5) Par. 366B provides an 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.”