



Natural Resources Conservation Service
375 Jackson Street, Suite 600
St. Paul, MN 55101-1854

February 22, 2012

Transmitted via Email

CONSERVATION RESERVE NOTE #124
CONTINUOUS CRP

Clarification on CCRP practices CP-27/CP-28, CP-41 and General Guidance

Distributed with this Note are updated eligibility worksheets for CP-27/CP-28 and CP-41. These updated eligibility worksheets should be inserted and replace existing guidance into CRP Note #117, other guidance in CRP Note #117 is still valid.

General:

Clarification is being made that for CRP grass/forb seedings formerly referenced under NRCS Practice Standard 645-Wildlife Upland Habitat Management has now been replaced with NRCS Practice Standard 327-Conservation Cover. This change should be made using a pen and ink change wherever the 645 practice number is listed as a practice to be considered for CRP.

CP-27/CP-28:

1. CP-28 buffer size has been increased to not exceed 4 times the size of the eligible CP-27 wetland.
2. CP28 - Reference to a maximum average width of 150' has been removed.
3. Instead of referencing the CP-23 or CP-23A eligibility worksheets relative to determining eligible wetlands, a new paragraph has been added to the eligibility worksheet explaining the determination of the eligible extent of a CP-27 wetland site.
4. CP-28 Buffer clarification has been made that buffers cannot contain restored wetlands and must be restored to a grass land or woodland ecosystem. In short, CP-28 areas may not be expiring CP-23 or CP-23A areas of hydric soils that were previously restored through any means including crop cessation.
5. Reference to weed control at the end of the write-up has been deleted.
6. Land cropped under natural conditions is eligible as CP27 provided all other CRP eligibility requirements are met. Natural regeneration is an eligible restoration method on these sites where cropping alone has altered the wetland functions. **NOTE:** Sites that have had hydrology manipulation through drainage must have the hydrology restored to the maximum extent possible, per guidelines found in the eligibility worksheet.



CP-41:

Reference to Unsuitable Sites has been deleted on the worksheet. The CP-41 acres cannot be located in the 100-year floodplain. Utilize practice CP23 for sites entirely within the 100-year floodplain.

A handwritten signature in black ink that reads "Don A Baloun". The signature is written in a cursive style with a large initial "D" and "A".

DON A BALOUN
State Conservationist

Attachments

cc:

Michele Page, FSA, St. Paul, MN
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CCRP Practice

CP27 Farmable Wetlands Program (FWP) CP28 Farmable Wetlands Buffer

When enrolling acres into CP27, practice CP28 is also required. The purpose of the CP27 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. The maximum allowable size for a CP27 is 40 acres. The purpose of the CP28 is to provide a vegetative buffer around the CP27 to remove sediment, nutrients, and pollutants from impacting the wetland and to provide wildlife habitat for the associated wetland. The minimum acceptable width of the CP28 is 30 feet surrounding the CP27 wetland. CP28 may not exceed 4 times the size of the eligible CP27 wetland.

Eligible sites are defined as those cropped wetlands which have been manipulated, either entirely or partially, and which meet CRP cropland eligibility requirements along with the associated upland buffer areas. All hydric soils, as identified on the county hydric soils list, which have been cropped and meet CRP requirements are eligible for wetland restoration. For soil complexes that are listed as having hydric soil components an in-field review will determine the extent of each site eligible as a cropped wetland. The following matrix gives general hydric soil criteria:

<u>SYMBOL</u>	<u>CRITERIA</u>	<u>TYPICAL LANDSCAPE LOCATION</u>
1	Organic soils	Sites may be depressional or non-depressional (county specific).
2B2, 2B3	Saturation	Sites typically non-depressional - flats, drainage ways bogs, seeps. May include small depressional inclusions.
3	Ponded	Sites are depressional.
4	Flooding	Sites frequently flooded for long - very long duration.

Offered areas in the 100-year floodplain, as determined by NRCS, are NOT eligible for this practice. Acreage permanently under water is also ineligible. Areas eligible for this practice include wetlands (W), farmed wetlands (FW) and prior converted cropland (PC). NRCS will determine the location and boundaries of the above areas, and will determine the extent of wetland hydrology to be restored and re-vegetation requirements of the buffer area.

Hydrology and vegetation must be restored to the maximum extent practical. Use NRCS Practice Standard Wetland Restoration, Code 657 to establish the practice. Cessation of cropping a "W" can be considered as restoration only when no other hydrologic manipulation has occurred. Wetland acreage eligibility will be determined independent of USDA wetland determinations or the FWS National Wetland Inventory although these sources should be used as references when determining eligibility. Ditch plugs will be installed on surface drains where it is practical to restore wetland basins.

If the site is "FW" or "PC" all on-site tile lateral lines will be broken or plugged and tile intakes removed. Sites with drainage systems serving upstream neighbors who are not interested in restoration activity will be designed to not impede upstream drainage. Multiple landowner main tile lines, that carry upstream water and that are 8 inches or less in size, will be replaced with non-perforated tile.

When these main tile lines exceed 8 inches the practice designer has the option of leaving these lines alone. When enrolling areas it is important to document the baseline hydrologic conditions prior to restoration. After the CRP contract expires the landowner can manipulate the hydrology only back to the baseline condition.

CP28 buffers are mandatory to the extent where they are possible to be established (see scenario 5) and the amount is dependent on the amount of wetland eligible to be enrolled, not the total wetland area (see scenario 1). The minimum size of a CP28 buffer is 30 feet wide surrounding and adjacent to the eligible wetland. The maximum buffer size cannot exceed 4 times the size of the eligible wetland. Buffers cannot be comprised of natural or restored wetlands. Buffer areas must be restored to either an upland grassland ecosystem or a woodland ecosystem with tree cover. NRCS will use soil survey and/or TRYGG or Marschner Native Vegetation maps to identify acceptable buffer vegetation.

NRCS Conservation Practice Standard Wetland Restoration, Code 657 will be used for CP27 including wetland seeding mixes. Conservation Cover, Code 327 or Restoration of Declining Habitat Code 643 will be used for CP28 using a mixed stand with a minimum of 5 native species consisting of at least 3 grasses and 1 forb. Vegetation will be restored as closely to the original natural plant community as possible for CP27. See Examples for applying these practices next page.

FARMABLE WETLAND PROGRAM EXAMPLES

Scenario 1: Pothole intersects Tract 1 and 2

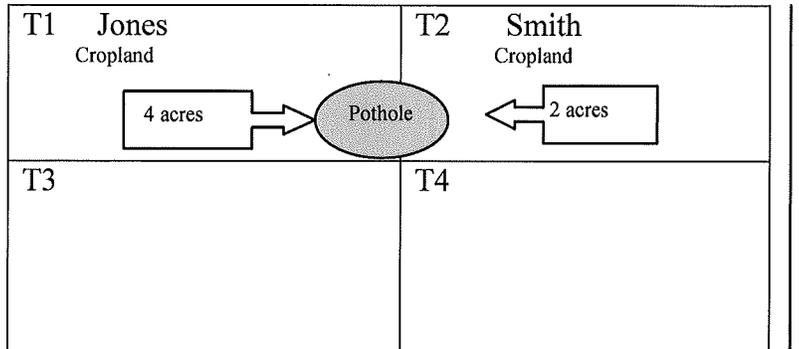


Illustration Not to Scale

- Tract 1 is owned by Farmer Jones
- Tract 2 is owned by Farmer Smith
- The wetland contains 4.0 acres on Tract 1
- The wetland contains 2.0 acres on Tract 2
- Assume all other eligibility requirements have been met.
- Contract possibilities
 - Farmer Jones could place the 4.0 acres of wetlands in tract 1 under contract with the minimum/maximum buffer. The portion of wetland located on tract 2 would not be required to be under contract.
 - Farmer Smith could place the 2.0 acres of wetland under contract with the minimum/maximum buffer. The portion of wetland that is located on tract 1 would not be required to be placed under contract.
 - Both farmer Jones and Smith could place their portions of the wetland under contract with the minimum/maximum buffer.

Notes:

Scenario 2: Pothole intersects Tract 1 and 2

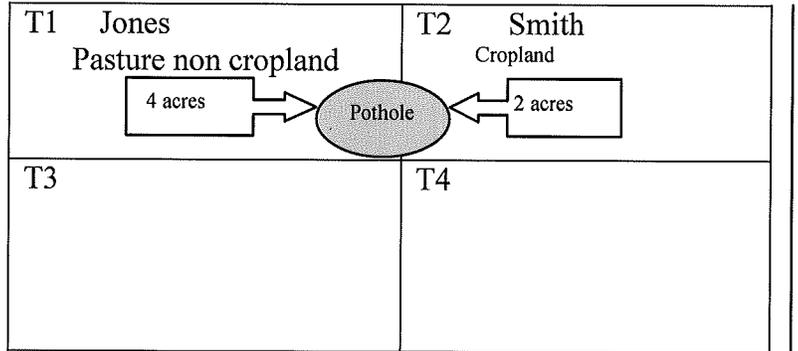


Illustration Not to Scale

- Tract 1 is owned by Farmer Jones
- Tract 2 is owned by Farmer Smith
- The wetland contains 4.0 acres on Tract 1
- The wetland contains 2.0 acres on Tract 2
- Assume all other eligibility requirements have been met on tract 2 but not tract 1 as it does not meet cropping history requirements. Tract 1 is considered pastureland.
- Contract possibilities
 - The 4.0 acres of wetland on tract 1 is ineligible to be placed under contract.
 - Farmer Smith could place the 2.0 acres of wetland under contract with the minimum/maximum buffer.

Notes:

Scenario 3 The linear wetland intersects tracts 1,2,3 & 4

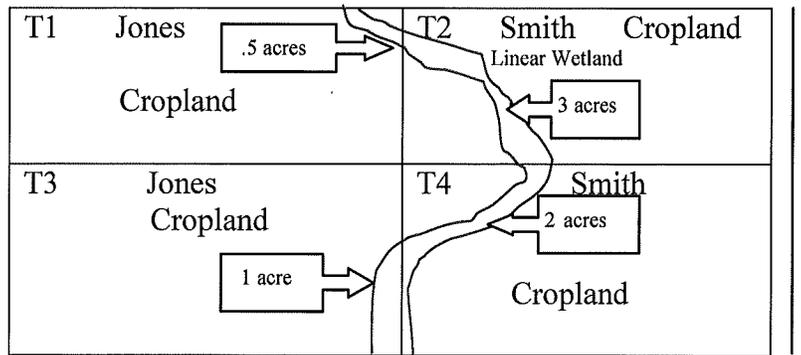


Illustration Not to Scale

- Tracts 1 and 3 are owned by Farmer Jones
- Tracts 2 and 4 are owned by Farmer Smith
- The wetland on tract 1 is .5 of an acre
- The wetland on tract 2 is 3.0 acres
- The wetland on tract 3 is 1.0 acres
- The wetland on tract 4 is 2.0 acres
- Assume all other eligibility requirements have been met.
- Contract possibilities:
 - Farmer Jones could place the portion of the wetland on tract 1 under contract while the remaining wetland on tracts 2 through 4 would not be required to be under contract.
 - Farmer Jones could place the portion of the wetland on tract 3 under contract while the remaining wetland on tracts 1, 2 and 4 would not be required to be under contract.
 - Farmer Jones could place the portion of wetlands contained on tract 1 and 3 under contract while the remaining wetland acres on tracts 2 and 4 would not be under contract.
 - Farmer Smith could place the portion of the wetland on tract 2 under contract while the remaining wetland on tracts 1, 3 and 4 would not be required to be under contract.
 - Farmer Smith could place the portion of the wetland on tract 4 under contract while the remaining wetland on tracts 1, 2 and 3 would not be required to be under contract.
 - Farmer Smith could place the portion of wetland on tracts 2 and 4 under contract without the wetland acres located on tracts 1 and 3.
 - All four tracts could have a contract for the portion of the linear wetland contained within the boundaries of the tract.

Notes:

Scenario 4 The linear wetland intersects tracts 1, 2, 3 & 4

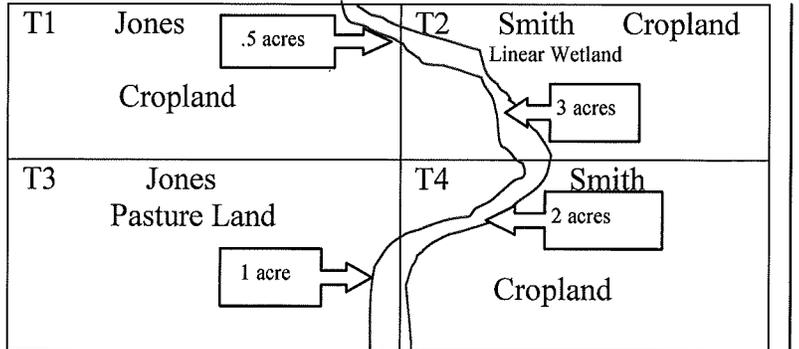


Illustration Not to Scale

- Tracts 1 and 3 are owned by Farmer Jones
- Tracts 2 and 4 are owned by Farmer Smith
- The wetland on tract 1 is .5 of an acre
- The wetland on tract 2 is 3.0 acres
- The wetland on tract 3 is 1.0 acres
- The wetland on tract 4 is 2.0 acres
- Assume all other eligibility requirements have been met on tracts 1, 2, and 4. Tract 3 is ineligible because it is devoted to pasture land.
- Contract possibilities:
 - Farmer Jones could place the portion of the wetland on tract 1 under contract while the remaining wetland on tracts 2 through 4 would not be required to be under contract.
 - Farmer Smith could place the portion of wetland on tract 2 under contract without the wetland acres located on tracts 1, 3 and 4.
 - Farmer Smith could place the portion of wetland on tract 4 under contract without the wetland acres located on tracts 1, 2 and 3.
 - Farmer Smith could place the portion of wetland on tracts 2 and 4 under contract without the wetland acres located on tracts 1 and 3.
 - Tracts 1, 2, and 4 could have a contract for the portion of the linear wetland contained within the boundaries of the tract.

Notes:

Scenario 5 The pothole in the SE corner of Tract 4

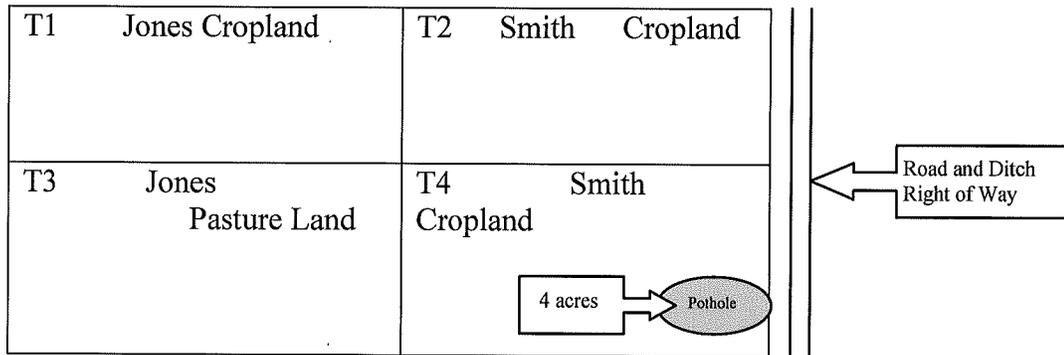


Illustration Not to Scale

- Assume all other eligibility requirements have been met.

The pothole totally contained in tract 4 adjoins a road right of way (ditch). We are unable to place the minimum buffer around the area that adjoins the ditch. Previously we determined that this was ineligible because we could not place the minimum buffer around the entire wetland. In light of the clarification on linear or sloped wetlands, this acreage will now be determined eligible for the program with the minimum buffer being established, where possible, around the wetland.

Natural Resources Conservation Service (NRCS)



Documentation of Eligibility and Suitability for Farmable Wetlands Program Farmable Wetlands Buffer

CP27/28

Version 1/12

APPLICANT: [REDACTED]

COUNTY: [REDACTED]

Resource Concerns for Eligibility
Restore wetlands and vegetation
to maximum extent possible

FSA TRACT NO.: [REDACTED]

FSA FIELD NO.: [REDACTED]

Practice Eligibility (Need and feasibility):

Each cropped wetland area offered includes areas of "PC", "W", "FW" or "FWP" that are less than 40 acres in size?

Yes No*

Ineligible Practice:

*Offer does not include cropped wetland areas of "PC", "W", "FW" or "FWP" or has areas that exceed 40 acres in size.

Site Suitability (from site visit):

Hydrology can be restored on the offered acres?

Yes No*

An adequate buffer that will effectively remove sediments, nutrients and pollutants can be established?

Yes No*

Notes:

[REDACTED]

Unsuitable Site:

*State reason(s); [REDACTED]

Extent of eligible area:

Size of eligible wetland (CP27): [REDACTED] acres
(The maximum per tract acreage for CP27 is 40 acres).

Size of buffer (CP28): [REDACTED] acres.

(The minimum width is 30 ft. and the maximum size cannot exceed 4 times the eligible wetland acreage).

CCRP Practice

**CP41 Farmable Wetlands Program (FWP)
Flooded Prairie Wetland**

When enrolling acres into CP41, practice CP28 is also **required**. The purpose of the practice is to restore the functions and values of wetland 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.

The maximum size of any one wetland is 20 contiguous acres. The total of all wetlands on a tract is limited to 40 acres. Associated buffers (CP28) must be a minimum of 30 feet wide. The maximum buffer size may not exceed up to 4 times the size of the eligible wetland.

Only the counties in the Prairie Pothole National CRP CPA are eligible for this CRP practice as shown in Figure 1 (attached). Eligible sites are defined as those cropped wetlands which have been manipulated, either entirely or partially, and which meet CRP cropland eligibility requirements, along with the associated upland buffer areas. All hydric soils, as identified on the county hydric soils list, which have been cropped and meet CRP requirements are eligible for wetland restoration. For soil complexes that are listed as having hydric soil components an in-field review will determine the extent of each site eligible as a cropped wetland. The following matrix gives general hydric soil criteria, refer to the county hydric soils list for specific information:

<u>SYMBOL</u>	<u>CRITERIA</u>	<u>TYPICAL LANDSCAPE LOCATION</u>
1	Organic soils	Sites may be depressional or non-depressional (county specific).
2B2, 2B3	Saturation	Sites typically non-depressional - flats, drainage ways bogs, seeps. May include small depressional inclusions.
3	Ponded	Sites are depressional.
4	Flooding	Sites frequently flooded for long - very long duration.

The degree of restoration will be defined by the landowner after technical consultation with USDA. The goal of wetland restoration projects is to restore the original hydrology of the site. Practice feasibility, economic cost, off-site limitations along with other considerations may limit the extent of hydrology that can be restored. Has a last alternative sites will be eligible when the “cessation of cropping” and the subsequent establishment of CRP vegetation is accomplished. This practice is not eligible for natural regeneration.

Initial wetland restoration feasibility assessments must be completed by a qualified individual and must consider avoiding impacts to adjacent properties, utilities, or other infrastructures unless approvals, permits or consents are attainable. This assessment must include an evaluation of the depth, width and extent of the existing drainage system and its impact on the site’s hydric soils. Floodplain restorations must be evaluated to insure that the flood storage area is not reduced or adversely impacted through the placement of fill, dikes, levees, or embankments.

Wetland acreage eligibility will be determined independent of USDA wetland determinations or the FWS National Wetland Inventory although these sources should be used as references when determining eligibility. Eligible areas will typically be considered as Farmed Wetlands (FW), Wetlands Farmed Under Natural conditions (W) or Prior Converted Cropland (PC).

CP28 buffers are mandatory to the extent where they are possible to be established and the amount is dependent on the amount of wetland eligible to be enrolled, not the total wetland area (see scenario 1). The minimum CP28 buffer for a CP27 is 30 feet and the maximum average width cannot exceed 150 feet or 3 times the size of the eligible wetland. Buffers cannot contain restored wetlands. Buffer areas must be restored to either a grassland ecosystem with grass and shrubs or a woodland ecosystem with tree cover. NRCS will use soil survey and/or TRYGG or Marschner Native Vegetation maps to identify acceptable buffer vegetation.

Wetlands will be restored using the NRCS Practice Standard Wetland Restoration, Code 657. Seeding mixes for the wetland zone can be found in the 657 standard. Buffer areas for sites developed under a grassland ecosystem will be seeded according to NRCS Practice Standard Conservation Cover, Code 327 or Restoration of Declining Habitats Code 643, with a mixed stand of a minimum of 5 native species consisting of at least 3 grasses, and 1 forb. Buffer areas for sites under a woodland ecosystem will use NRCS Practice Standard Tree/Shrub Establishment, Code 612. When restoring woodland ecosystems, plant hard mast species along with other species suitable for the wet nature of the site. Native ecosystems can be determined by the soil survey or by the native vegetation maps (TRYGG or Marshner maps)

Natural Resources Conservation Service (NRCS)



Documentation of Eligibility and Suitability for Flooded Prairie Wetland

CP41

Version 2/12

APPLICANT:

COUNTY:

**Resource Concerns for Eligibility
Restoration of Wetlands**

FSA TRACT NO.:

FSA FIELD NO.:

Practice Eligibility (Need and feasibility):

1. The offered acres are in a county eligible for the practice (see Figure 1, attached)?

Yes No

2. Restorable cropped wetland acres are flooded due to natural overflow of a prairie wetland?

Yes No

3. The area offered includes hydric soils, altered or manipulated wetlands or prior converted cropland? (Additional map documentation must identify each eligible site).

Yes No

4. The offered tract does not contain wetlands that exceed 20 acres in size and the total acres on the tract does not exceed 40 acres.

Yes No

Ineligible Practice:

The offered acres are not in a county eligible for the practice.

Flooding due to natural overflow of a prairie wetland does not exist

Offered acres are not cropped wetlands.

Offered acres contains wetland that exceed 20 acres in size or the total wetland acres exceeds 40 acres on the tract.

Site Suitability (from site visit)

Document whether native vegetation is herbaceous or woodland.

Notes:

Extent of eligible area:

Size of restored wetland acres

Buffer Area*: feet

*Will not exceed 4:1 buffer to wetland ratio

Total Size of practice area acres

FIGURE 1: PRAIRIE POTHOLE NATIONAL CRP CPA FROM 2-CRP, AMENDMENT 17.

Exhibit 13 (Par. 97, Ex. 19) National CPA's (Continued)

Exhibit 13
(Par. 97, Ex. 19)

National CPA's (Continued)

