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NEW MEXICO BULLETIN NO. 300-12-04

SUBJECT: LTP - CONSERVATION RESERVE PROGRAM (CRP) 43 TECHNICAL GUIDANCE AND FREQUENTLY ASKED QUESTIONS

TO: All Employees

Purpose. To Provide technical guidance and answers to frequently asked questions related to CRP signup 43.

Expiration Date. December 31, 2012

PROGRAMATIC QUESTIONS

1. Are all the participants who signed the CRP-1 (even for 0%) required to sign:
 - a. Conservation Plan? *Yes, as per 2-CRP Paragraph 368D and IV.A.NRCS items 10 and 12 of the Memorandum Of Understanding (MOU).*
 - b. Modifications? *Sign plan revision.*
 - c. Job sheets? *Person responsible for doing work needs to sign job sheets so they understand what is to be done under CRP contract. Job sheets need to be attached to the conservation plan. According to National Bulletin we are subject to appeal if producer isn't clear on what is to be done. Practice plan, designed and layout need to be part of the plan.*

2. Will mid-contract management requirements be the same as the 2006 contracts? *Yes.*
 - a. *Shred or mow no more than 75% and no less than 25% of the contracted acreage in one year with all acreage being treated by the end of the 6th year of the contract.*
 - b. *Graze like above for a 25% reduction in payment.*

3. If grass seed is unavailable for purchase due to the recent fires in NM and AZ, will the contract completion time limit be modified? *Can be extended by the County Office Committee (COC) and NRCS concurrence for additional 12 months before modification is required (2-CRP, Paragraph 426C). After the conservation plan is approved, COC may approve a revised plan, signed pen and ink changes by participant, to allow up to 2 additional 12- month extensions to seed(2-CRP, Paragraph 426D). In no case shall the COC or State Conservationist approve a revised conservation plan for more than a total of 36 months.*

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If conditions do not allow the producers to establish the permanent cover within 36 months, both can request meritorious relief for Washington, D.C.

4. If a county burn ban is in effect and the producer cannot carry out the planned burn, what conservation plan/time line ramifications might this have? *COC/NRCS can extend additional 12 months locally. Farm Service Agency (FSA) can also ask for additional extensions if justified.*
 - a. Plan modification to postpone cover crop or grass planting one year. *Does not need modification to postpone 12 months from plan date.*
 - b. Plan modification to remove burning. *Need to replace with practice that will meet resource concern/intent of burning as practice is probably tied to another practice.*

5. Is there an option for the participant to harvest the cover crop in lieu of cost-share? *Contracts for signup 43 will not become effective until fiscal year 2013. A producer may harvest the prior year's agriculture commodity after October 1 without a payment reduction. See 2-CRP, subparagraph 402 C. Agriculture Commodity is defined in 2-CRP, Exhibit 2. Alfalfa, grasses, and other multi-year legumes and wheat pasture would not be eligible to be harvested for hay, graze, or seed after September 30, 2012.*

Routine permissive grazing may be authorized by the COC to glean crop residue that exist at the time of the SU41 effective date of October 1, 2012, according to provisions in 2-CRP, par. 721.

However, in association with conservation cover a dead litter crop/cover crop will have to be removed if cover is over 10" in order to interseed. Need to leave stubble to seed into and meet erosion requirements.

6. Will cost-share payments be made prior to the October 1 contract date for completed practices? *Yes, if the following has been completed(2-CRP, Paragraph 519A):*
 - *COC approves CRP-1.*
 - *Producer signs AD-245, page 2 and reports completion of the practice.*
 - *NRCS or Technical Service Provider (TSP) certifies performance or producer self certifies performance.*
 - *AD-1026 or CCC-901, as applicable, has been completed and signed*
 - *Compliance with 1PL or 4PL, as applicable.*

Cover crop or grass seeding may take place prior to October 1st. Yes, if producer completes all required paperwork as referenced in above answer.

7. Do the components in the conservation plan have individual payment rates? *Yes, cost docket is in draft.*
8. Will the participant be paid for each component upon completion of each component? *Yes.*

9. What is the required seeding mixture for the 51%-of-the-acreage conversions N1b? *Each species in the mix will make up a minimum of 10% of mix. The mix should be a representative of Ecological Site Description (ESD) for site.*
- 2-grass, 1-forb or legume, like the “20 point” mixture
 - 3-grass, 1-forb/shrub, or legume like the “50-point” mixture

FSA will provide a copy of the CRP-1, CRP-2, Maps and the Offer that was submitted on the Conservation On-line System. The CRP-2 in item 13 N1b will signify to NRCS that (C) is a conversion of cover; (P) is for the installation of a pollinator habitat; and (F) for installation of a wildlife food plot. The offer will show what the producer elected for the N1 subfactors. If the subfactor N1a cover has 20 points, then the producer elected the three species on the offered acres. If the subfactor N1a has 50 points, then the producer elected the five species on the offered acres. If the subfactor N1b has a 20 points producer elected 51% conversion or pollinators, but the offer will show which one they elected.

10. The 51% of the acreage must be N1b:
- Strips or blocks. *Where erosion is a concern strips should be considered.*
 - Strips. *Minimum 20 feet wide as per CRP-2. Use erosion prediction models, Wind Erosion Prediction System to determine maximum tillage widths to minimize erosion.*
11. Are the 51% conversions required by field or by contract? *By Contract.*
12. For 51% conversions, if additional species (grasses, forbs, or shrubs) are required for the agreed-to composition, do they need to be convert the entire acreage, or just 51% of the acreage? *51% of acreage must be converted. However, it can be done in strips on entire acreage totaling at least 51% conversion.*
13. On new seedings or total conversions, is the forb/shrub component required throughout the entire acreage or can it be planted on just a portion to allow for weed control on the grass acreage? Intent is to plant forbs/shrubs throughout acres included in seed mix. If so, what percent of the acreage, and is it by contract acres or field-by-field? *Contracted Acres.*
- Five options:
- Plant dead litter crop fall, mow/remove spring, weed control (herbicide)/June, seed/July.*
 - Two year dead litter crop with weed control (herbicide) then plant 3rd yr.*
 - Swath, bale, and remove lovegrass, allow to regrow and treat with multiple applications of herbicide prior to interseeding desired grasses.*
 - Plant dead litter crop, mow/remove, seed grass/July, weed control mid-summer with selective herbicide, plant forbs fall or spring according to standard.*
 - Other options concurred on by State Office technical specialist.*

14. New Mexico CP42 pollinator habitat requires that the enrolled habitat area will contain a ***minimum of four (4) different species of pollinator friendly flowering plants***, which may include wildflowers, legumes and/or shrubs (flowering trees are not eligible).
See the NM CRP-42 Species List for pre-approved plant species.

At least two (2) of the species must have their ‘primary onset of flowering’ during any two of the ‘blooming periods’.

See the NM CRP42 Species List for the primary flowering period of each plant.

Table 1 – Bloom Periods

<i>Early Season Bloom Period: April 15th - June 15th</i>
<i>Mid-Season Bloom Period: June 15th - July</i>
<i>Late Season Bloom Period: August - October</i>

15. FSA is the Responsible Federal Officer for National Environmental Protection Act (NEPA); they will make the final NEPA decision. So, for CRP it is NRCS’s responsibility to complete sections A-P, then turn it over to FSA to complete sections Q-S. Please provide them any other supporting documents that they may need to make the decision. After FSA finalizes and signs the CPA52, a copy shall be given to NRCS to keep in the customer folder.

TECHNICAL QUESTIONS

- What is the minimum acceptable presence of a species to be counted as “present”?
 - In existing stand to determine if additional seeding is necessary: *Must meet CRP Table 1-Cover Practices (CP) for the N1a Criteria or Table 2- Practices for the N1b as appropriate for offer (FSA Fact Sheet-CRP Sign-up 43 Environmental Benefits Index Table 1 and 2). In addition the minor species component of the recommended species must be at least 3 to 5 % frequency composition on a per species basis using 100’ step toe transect.*
 - In new stand to certify completion and return to FSA: *Criteria for planted and emerged species composition is as follows to meet program requirements: Use range tech note 108 as the acceptable method for determinations of adequacy. The average plants per square foot by species information that is generated by 3 such 10 plot transects will be the minimum required to determine acceptable composition. More transects of 10 plots each can be added and averaged into the calculations as needed to get a representative picture of field composition. Given the patchy nature of grass and forb seedling establishment some stratification of transect location and direction will be required to get an accurate representation. Must meet CRP Table 1-CP for the N1a Criteria or Table 2- Practices for the N1b pollinator habitat as appropriate for offer. In addition the minor species component of the recommendation must be at least 3 to 5 % frequency composition on a per species basis using 100’ step toe transect.*

2. What is the minimum acceptable percentage of each species in a planned seeding mixture? *10%. ESD should be used in determining percent of each species with a minimum of 10% of each species.*
3. What plant species can count as forbs or shrubs on existing stands? *Native perennials and annual described in ESD. No kochia, bindweed, etc.*
4. Does NRCS write and provide individual burn plans for CRP fields being converted from lovegrass? *Yes, as per FSA/NRCS MOU, FSA Handbook 2 CRP and NB_300_11_20. Producer must be provided with conservation plan including establishment, maintenance, and management of practice. Attach the job sheet. Burn Plans can also be done by TSP.*
5. FSA 2-CRP (Rev. 5) Amend. 1, Par. 369 suggests that the CRP folders will contain a NRCS-Conservation Planning Application (CPA) -1155, and 1156 (modification, if needed). Generation of these forms in ToolKit requires a cost list in ProTracts.
 - Is a CPA-1155 required? *No. Signed toolkit plan and plan revision will work.*
6. Will the required conservation practices be the same as they were in 2006? *Yes, except 595 practice names have changed. Use same practices.*
 - *Conservation Cover – 327- Provide Permanent Vegetative Cover*
 - *Integrated Pest Management – 595*
 - *Restoration and Management of Rare and Declining Habitats – 643*
 - *Access Control (formerly Livestock Exclusion) – 472*
 - *Cover Crop, if needed – 340*
 - *Range Planting – 550*
7. Will NRCS accept data from outside sources for documentation of species composition related to CRP offers?

As per 2-CRP, Part 2, Section 3(47) NRCS has responsibilities for CRP technical adequacy of conservation planning, conservation treatment implementation and development of a conservation plan that contains all appropriate practices, including operation and maintenance. In addition NRCS has responsibility for applying NRCS-assigned conservation practices for which NRCS has technical responsibility for ensuring that they meet Field Office Technical Guide standards and specifications.

*In order for NRCS to comply with its CRP responsibilities and foster consistency in technical determinations **NRCS will not accept** any outside plant community data related to CRP referrals. For example; transects on species composition and/or data from consultants, ranchers or other outside sources will not be accepted and/or used in any CRP technical determinations.*

However, through the NRCS TSP program, TSP's can assist NRCS that comply with CRP responsibilities.

8. Does NRCS have to follow Conservation Measures in the Lesser Prairie Chicken Conference Report for lands accepted into the Conservation Reserve Program (CRP) within the Lesser Prairie Chicken Area?

No. NRCS will follow existing planning policy and procedures when dealing with Threatened & Endangered (T&E) and candidate species for other Technical and/or Financial Assistance programs, such as lands re-enrolled in CRP, within the Lesser Prairie Chicken Initiative action area. Use of good planning judgment, following the planning process and doing a good job on the CPA 52- Environmental Evaluation & T&E Worksheet in the CPA-52 will meet or exceed conservation measures in the conference report. If the CPA-52 shows the practice will have no effect or no negative impacts on the lesser prairie chicken you can proceed with the practice as planned. If the practice will have a negative impact, follow guidance on the CPA-52 worksheet. Contact Chanda Pettie, State Biologist, if you need assistance and/or advice on completing a good CPA-52 Environmental Evaluation.

9. Will "closest-plant-to-the-toe" step-point transects, 100 points, three per ¼ section maximum, be sufficient to certify species composition? *Yes.*
- In obvious cases will photos be sufficient? *Yes with set photo point so photo point can be replicated.*

CRP-2 Enrollment Options

	Species Planted	Agreed To	N1a	N1b	Native Species Required	Practice Status**
CP-1	Lovegrass (introduced)	Maintain	10	0		EX
CP-1	Lovegrass (introduced)	Convert 51% to natives	10	20c	2-grass, 1 shrub/forb	ENH
CP-2	Lovegrass (introduced)	Convert 100% to natives*	50	0	4-grass, 1 shrub/forb	N, ENH
CP-2	New farmland	Plant new natives	50	0	4-grass, 1 shrub/forb	N
CP-2	Native species	Required species present	50	0	4-grass, 1 shrub/forb	EX
CP-2	Native species	Add additional	20	20	as needed for above	ENH

* or have the required native species present

**EX: Existing, ENH: Enhancement, N: Native

10. When is renovation required? *When the application shows CP-2 N1a=50 Points*

Existing CRP that was planted to introduced species:

- If over 50% frequency of introduced grasses (Lovegrass, Kleingrass, Yellow Bluestem): Renovate entire (100%) field.

Existing CRP that is dominated by Less-Desirable Native Species:

- If introduced species less than 50% and/or existing stand is dominated by native species not considered beneficial to wildlife (3 awn, witchgrass, Cane/Silver bluestem): Renovate entire field in strips to minimize erosion and meet CRP N1a species requirements. Renovation strips throughout the entire field must cover more than 50% of the entire acreage in the field. Dominant species in the ESD are normally considered native species beneficial to wildlife.

Establish desirable-natives on field in strips through introduced and undesirable-natives portions of field.

- Four native grasses, one shrub/forb
- Shred, spray, and drill, or
- Plow, cover crop, drill

11. Is renovation required for CP-1 N1a=10 Point applicants?

- If existing stand of introduced and/or a combination of native and introduced species is providing adequate cover to stop erosion and provide wildlife cover then no action is necessary.
- If existing stand of introduced and/or a combination of native and introduces species is not providing adequate cover to stop erosion and/or provide wildlife cover then plant introduced species in those areas void of adequate vegetation.



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