

Frequently Asked Questions (FAQs) Tribal Grasslands CREP

Q: What is the Conservation Reserve Enhancement Program (CREP)?

A: CREP is a component of the Conservation Reserve Program (CRP). CREP is a public-private partnership program, allowing states, Tribal governments, non-profit and private entities to partner with FSA to implement CRP practices that address high priority conservation and environmental objectives.

Partners work with FSA to develop a CREP agreement designed to address conservation goals on agricultural lands in specific geographic areas. The CREP agreement defines practices that achieve substantial on-site and off-site natural resource benefits targeting one or more goals such as maintaining or improving grassland productivity, enhancing wildlife habitat, and reducing soil erosion.

Q: What is the purpose of the Tribal Grasslands CREP Agreement?

A: The Tribal Grasslands CREP Agreement is modeled after the Grasslands CRP, a working lands program, which protects grassland while maintaining the areas as grazing lands. The program emphasizes support for grazing operations, plant and animal biodiversity, and eligible land containing shrubs and forbs under the greatest threat of conversion.

CRP participants maintain permanent, resource-conserving plant species, such as approved grasses or forbs (known as “covers”) to control soil erosion, improve water quality and develop wildlife habitat. In return, the Farm Service Agency (FSA) provides participants with rental payments and cost share assistance.

Q: What is the difference between CRP and CREP?

A: While administered under the same statutes and Federal regulations as CRP, CREP provides the opportunity for additional benefits not available through general, continuous, or grassland CRP signups.

- Under general and grasslands CRP enrollment, producers submit bids to enroll land during announced signup periods. Bids are scored according to the Environmental Benefits Index (EBI) and ranked against other submissions. The higher the EBI score, the more likely you are to receive a contract.
- Through continuous CRP enrollment, environmentally sensitive land devoted to certain conservation practices may be enrolled in CRP at any time. Certain eligibility requirements still apply but offers are not subject to competitive bidding.

Participation

Q: Do I have to enroll in CRP through CREP once a Tribal CREP Agreement is signed?

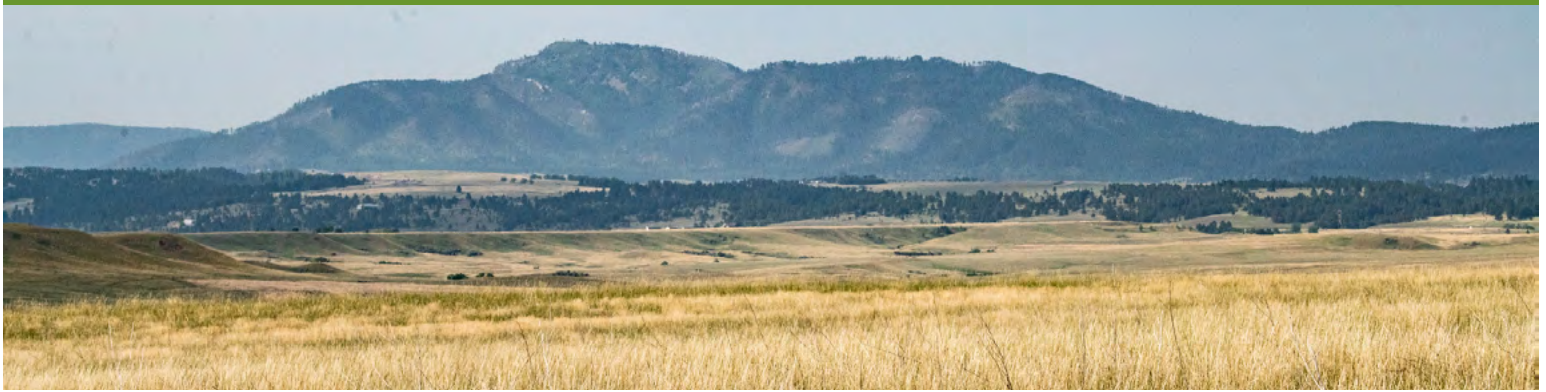
A: No. The Tribal CREP Agreement provides another avenue to protect environmentally sensitive ground using FSA programs.

Participation in CREP is voluntary. Land is offered for enrollment by FSA tract. All landowners associated with the land offered for enrollment must agree to participate; all lessees with an interest in the acreage being offered must be provided an opportunity to participate.

Q: What is the length of the CRP-1?

A: The contract period may vary for each CRP-1. The contract period will not be less than 10 years and not greater than 15 years in length.



**Q: Who is eligible to offer the land for enrollment in CRP through a Tribal CREP?**

A: An owner is eligible to offer land for enrollment in CRP if they have owned the land for 12 months before submitting the offer. An operator is eligible to offer land for enrollment if they have operated the land for 12 months before submitting the offer and they provide satisfactory evidence that control of the land will continue uninterrupted for the CRP-1 period. The person offering the land for enrollment must have more than a zero percent share on the CRP-1.

Q: If I participate in CREP, am I eligible to participate in other FSA and NRCS programs?

A: Land enrolled in CREP is also eligible for USDA disaster programs such as, the Livestock Forage Program (LFP) and Emergency Livestock Assistance Program (ELAP), if all applicable disaster program requirements are met.

The grass cover on land enrolled in CRP through this CREP is eligible for NAP, Rainfall Index, and/or PRF crop insurance policies related to grazing if applicable.

Current policy does not allow land to be enrolled in CREP and EQIP or CSP at the same time. Land associated with an expired EQIP or CSP contract, may be eligible to participate in this CREP.

Q: What land is eligible to be offered for enrollment in the Tribal Grassland CREPs?

A: Eligible land must:

- be owned by the Tribe or owned by a member of the Tribe and be physically located within the CREP project boundary
- contain forbs or pasture upon which grazing is the predominant use
- have less than 5 percent tree canopy interspersed throughout the offered acreage
- be located in an area historically dominated by grassland
- provide habitat for animal and plant populations of significant ecological value

Q: How will FSA determine eligible land?

A: The Tribe and BIA are working with FSA to help determine land that meets the agreement's eligibility provisions. The FSA County Office may need to verify landowner(s) and lessee(s) associated with the land being offered for enrollment with the Tribe and/or BIA.

Q: How will FSA process offers to enroll land that have multiple owners?

A: All landowners associated with the land offered for enrollment must agree to participate even if they do not want a share of the contract payment. For example, if the Tribe and one or more Tribal members all have an undivided ownership interest in the land being offered for enrollment, they must all agree to participate (sign the CRP-1 contract).

Q: How are payment (CRP-1 contract) shares determined?

A: The landowners and lessee(s) associated with the land offered for enrollment will determine payment (CRP-1 contract) shares. The payment shares are not required to be commensurate with other contracts or agreements in the County Office.



Q: If an operator voluntarily relinquishes their right to participate in CRP or signs the CRP-1 with a zero share, will they be relieved of any contractual obligations?

A: Each person or entity that signs the CRP-1 for a share greater than zero is jointly and severally liable for complying with terms and conditions of CRP-1.

Zero share participants are not jointly and severally responsible for CRP-1 performance. However, all activities scheduled in the approved conservation plan are tied to the land enrolled in CRP. If the lessee chooses not to participate in CREP and continues to lease the contracted acreage, they must work with the landowner to ensure they are following the approved conservation plan and are aware of all applicable restrictions.

Cost Share Payment

Q: How is cost share determined?

A: Activities scheduled in the approved Conservation Plan and associated with establishing permanent internal fencing and livestock watering facility needed to facilitate livestock grazing are eligible for cost share. FSA will provide up to 50% of the eligible reimbursable costs incurred.

Upon completion of the approved activities, the CRP participant must notify the FSA County Office by signing the FSA-848B and submitting receipts/invoices documenting costs incurred. Calculated cost share will be based on actual eligible costs incurred, not to exceed the cost share approved in the Conservation Plan. Participants (signatories on the CRP-1 contract) who contributed to the cost of the approved activity are eligible to receive a cost share payment based on their contribution. For example, if the landowner and lessee equally split the cost to install permanent internal fencing, then the cost share will be split the same way.

Q: Are participants with zero share on the CRP-1 eligible for cost share?

A: Yes. Participants (signatories on the CRP-1 contract) who contribute to the cost of an approved activity are eligible to receive a cost share payment based on their contribution. For example, if the lessee, who signed the CRP-1 with zero share, incurs 100 percent of the cost to install permanent internal fencing, they would be eligible for 50 percent cost share.

Q: Will FSA pay an increased cost share percentage to traditionally underserved/beginning farmers and ranchers?

A: No. The Statute (2018 Farm Bill) limits cost share to 50% of eligible reimbursable costs incurred for CRP, including CREP.

Q: Is cost share separate from the annual rental payment?

A: Yes, the cost share payment is calculated separately from, and is in addition to, the annual rental payment.





Annual Rental Payment

Q: What is the annual rental payment?

A: The Tribal CREP Agreement may establish a set per acre annual rental payment rate for all eligible land enrolled in CRP through the CREP or utilize the grassland rental rate in effect when the offer is submitted.

Activities and any associated cost share scheduled in the approved conservation plan will not impact the per acre annual rental payment rate.

Q: When does FSA issue annual rental payments?

A: Annual rental payments are issued every October for the prior fiscal year. CRP-1 contracts that begin or take effect on a date other than October 1, will receive a prorated payment the first year. For example, a contract that begins on February 1, 2023, will receive a prorated payment in October of 2023 that represents the contract being effective for 8 months.

Q: Does FSA limit what participants do with their share of the annual rental payment?

A: No, participants may use their annual rental payment as they see fit.

Conservation Plan (Grazing Management Plan)

Q: If I have a BIA plan, will a separate management plan be required for the land enrolled in CRP through CREP?

A: Yes, NRCS will write a Conservation Plan for all land enrolled.

Q: What will be included in my Conservation Plan?

A: Each Conservation Plan will be based on the producer's decisions, permitted activities, and supporting information for treatment of a unit of land that meets NRCS standards and specifications, and addresses identified natural resource concerns.

The Conservation Plan:

- may align with the BIA plan with minor modifications
- may include rest periods, plan for rotational grazing, different start times, etc.
- will require maintenance/enhancement of the land enrolled
- will include residue requirements to allow for grass sustainability
- will require that noxious/invasive species be controlled



Q: If included in the approved Conservation Plan, when should cross-fence, well, and other approved activities be completed?

A: The approved Conservation Plan will provide the time frame for each activity to be completed. To maximize benefits to be received from the approved activity, the activity will likely be scheduled to be completed in the first 1-2 years of the contract.

Q: Will the approved Conservation Plan for the land enrolled include any additional restrictions?

A: Yes. The Conservation Plan and associated Management Plan will specify AUM or AU restrictions, rest periods, rotations, and activities limited during the primary nesting season (May 1 through August 1). Grazing is permitted. Haying is permitted during PNS but might require modifications to minimize wildlife disturbance (flush bars, starting in the middle of fields, skipping rows, changing the timing of cutting, etc.).

Q: Is there support available for CRP participants to assist with meeting required practice standards?

A: Yes. NRCS, TSP, or other cooperators will be available to work with CRP participants as they implement their conservation plan. If included in the approved conservation plan, cost share is available to establish permanent internal fencing and livestock watering facility needed to facilitate livestock grazing.

Tribal and Participant Responsibilities

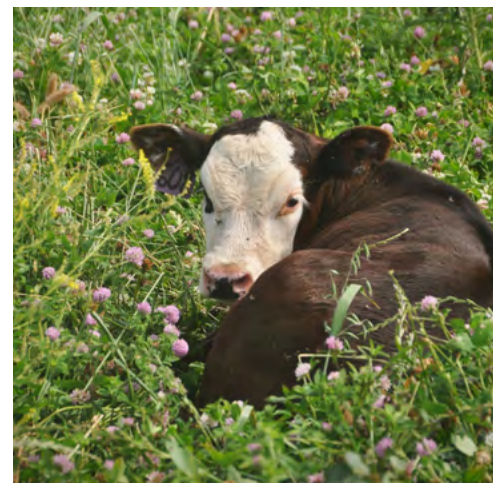
Q: What are the Tribe's responsibilities?

A: As the CREP partner, the Tribe is responsible for contributing at least 5 percent of the overall annual program costs through direct and in-kind contributions to eligible participants. These contributions can include outreach to potential participants, compliance and monitoring of contracted acres, technical assistance and management of grazing plans and conservation planning, enhancements to contracted acreage, etc. In addition, by December 31 each year, the Tribe must report progress made in fulfilling the purpose, objectives, and goals provided in the agreement to FSA.

As a CREP participant (signatory on the CRP-1 contract) and landowner, the Tribe must:

- Provide a lessee, who has an interest in the acreage being offered, an opportunity to participate in CREP.
- agree to implement the conservation plan developed for the contracted acreage and comply with the terms and conditions of the CRP-1 contract (see CRP-1 Appendix).
- Ensure CREP acreage is annually certified by one participant on the CRP-1 contract at the local FSA County Office.

Important: All participants who sign the CRP-1 for a share greater than zero are jointly and severally liable for complying with the terms and conditions of the CRP-1.





Q: What are the landowner's responsibilities?

A: As a CREP participant (signatory on the CRP-1 contract) and landowner, the landowner must:

- Provide a lessee, who has an interest in the acreage being offered, an opportunity to participate in CREP.
- agree to implement the conservation plan developed for the contracted acreage and comply with the terms and conditions of the CRP-1 contract (see CRP-1 Appendix).
- Ensure CREP acreage is annually certified by one participant on the CRP-1 contract at the local FSA County Office.

Important: All participants who sign the CRP-1 for a share greater than zero are jointly and severally liable for complying with the terms and conditions of the CRP-1.

Q: What are the lessee's responsibilities?

A: If the lessee chooses to participate in CREP, they must agree to implement the conservation plan developed for the contracted acreage and comply with the terms and conditions of the CRP-1 contract (see CRP-1 Appendix). In addition, they must ensure the CREP acreage is annually certified by one participant on the CRP-1 contract at the local FSA County Office.

Important: All participants who sign the CRP-1 for a share greater than zero are jointly and severally liable for complying with the terms and conditions of the CRP-1.

If the lessee chooses not to participate in CREP and continues to lease the contracted acreage, they must work with the landowner to ensure they are following the approved conservation plan and are aware of all applicable restrictions. Lessees, not participating in CREP (not a signatory on the CRP-1), that incur costs associated with establishing permanent internal fencing and livestock watering facility needed to facilitate livestock grazing included in the conservation plan, will not be eligible to receive cost share assistance from FSA.

