The Role of Conservation District Staff in CREP Mid-Contract Management and Contract Re-Enrollments

Background

District personnel inspect CREP contracts at least twice a year during the first 5-6 years of project enrollment, i.e. the maintenance period. However, after projects are finished with the maintenance period and are signed off as meeting specifications, historically FSA has taken over as the main source of project oversight. They provide random spot-checks. As we gain more experience with the CREP program, we recognize the need to provide systematic technical inspections of each project in its mid and later stages by district staff trained in riparian restoration. Specifically, we are requesting one inspection just prior to the mid-contract management period on all CREP contracts. Also, another inspection is needed in the spring prior, or earlier, to expirations for contracts on September 30th for landowners who have indicated an interest in re-enrolling in the program. A recommended form, CREP Buffer Monitoring Report, can be found in the Form Section and should be used for these inspections. This is a guidance document for conservation district staff. Its purpose is to clarify the application and costs of both of these actions.

The 2-CRP Handbook guidance for mid-contract management is primarily in WA Exhibit 5. It defines mid-contract management as approved actions that take place at specific times in the life of a CREP contract. For a 10 year contract this means that the landowner/technician must inspect her project in the 6th year. For a 15 year contract, an inspection must occur in years 7 or 8. Mid-contract management cannot occur during the last 2 years of the CRP contract. It includes possible mid-contract management for three activities: blackberry control (cost share is also available for controlling other types of weeds), beaver cage tree protectors, and thinning. These activities must be conducted outside the April 1-July 1 primary nesting season unless approval is obtained from FSA for "spot-treatment".

Mid-Contract Management Timeline

Mid-contract management was not required in earlier CREP conservation plans, and not strictly upheld until recently. Because of this, communications with landowners should vary depending on the age of their contract and the presence or absence of an approved mid-contract management activity in their CREP conservation plan. The three different situations and appropriate district response are described in Table 1. Note that new contracts must have a mid-contract management practice within each conservation plan, and this requirement should be discussed with landowners as they will likely have costs incurred to implement them unless a waiver is granted by the County Committee at the time of mid-contract management. Waivers are based upon functionality and are discussed in another section below.

Table 1. Mid-Contract Management Status and Course of Action.

Contract Date and Inclusion	District Actions
CRP-1 contracts dated prior to May 2003	No mid-contract management is required.
Contracts dated May 2003 or later that do **not** have a mid-contract management practice in the approved conservation plan	Inspect the site for mid-contract management needs. If the buffer meets the quality criteria, provide a copy of the inspection to FSA and no further action is needed. There will be no need for a waiver in these cases because there were no mid-contract management practices in the original plan, therefore, nothing to waive. If the buffer does not meet quality criteria, discuss the results with the landowner and submit the inspection to FSA. The landowner will need to obtain approval from the County Committee for cost share. If state maintenance is desired, submit an Exhibit D to the state CREP manager following cap guidelines. **The conservation plan will need to be amended to include the needed practices if cost share is desired by the landowner. The County Committee must approve the amendment.**
Contracts dated May 2003 or later and have a mid-contract management practice in their approved conservation plan	Inspect the site for mid-contract management needs. If the buffer meets the quality criteria, provide a copy of the inspection to FSA. The landowner will need to obtain a waiver from the County Committee. They will likely use your inspection results to obtain the waiver. If the buffer does not meet quality criteria, particularly for the mid-contract practice included in the original plan, discuss the results with the landowner and submit the inspection to FSA. The landowner will need to obtain approval from the County Committee for cost share to carry out mid-contract management. If state maintenance is desired, submit an Exhibit D to the state CREP manager following cap guidelines.

Mid-Contract Management Waiver

Your inspection will document the current level of riparian buffer function as compared to the expected appearance of a functional buffer at that age and location. It is anticipated that in many cases, waivers of mid-contract management will be granted because most sites will have functional buffers with no further enhancement necessary. *The purpose of mid-contract management is to correct significant deviations of functionality; not to make a good buffer perfect.* Guidance on functionality is listed below.

Quality Criteria/Buffer Functionality

If major problems are discovered, then remedial action must be taken. This applies to mid-contract management and re-enrollments. Typical problems in the most common practice, the riparian forest buffer, include: significant gaps in desired vegetation, lack of canopy cover, significant invasive plant species coverage, and greater than anticipated tree density that requires thinning. Suggested guidance for the riparian forest buffer and the wetland enhancement buffer are below. The recommended form, CREP Buffer Monitoring Report, can be found in the Form Section and should be used for inspection purposes.

- Natural and diverse riparian vegetation with composition, density, and age structure appropriate for the site (and contract age). Enhancing plant diversity would be done only if mid-contract planting were needed for another reason, and would then be incorporated into the new planting to address two or more needs at once.
- Canopy cover of 42% or greater of water surface within the length of the contract site. Would apply to streams that are generally wadeable, about 20' across or less, as canopy cover over wide rivers is typically low. Consider other quality criteria along with this.
- Invasive plant species coverage of 30% or less.
- Natural plant community extends throughout width determined in conservation plan with gaps not to exceed 30% of area.
    - If the open area is a wetland, it could be considered functional habitat, not a gap. Technical judgment would be needed. For example, if most of the trees in the buffer were felled by beaver and there was a new wetland without any buffer around it, the site may need work, particularly if canopy cover were an important goal to meet water temperature standards in that stream. However, if it isn't a stream listed for warm water temperatures and was lacking wetland habitat, the technical call might be that this is a functional situation.

Slightly different criteria may need to be applied to the wetland enhancement and riparian hedgerow practice. You would rely on the same document sources to do that, such as the 2-CRP Handbook and the appropriate NRCS practice standard. The grass filter strip practice would have a significantly different set of criteria, but again refer to the NRCS practice standard and 2-CRP Handbook. Mowing for the grass filter strip would be an acceptable mid-contract management.

For riparian hedgerows and grass filter strips, the inspection should consider whether or not each of those practices is meeting their intended purpose of improving water quality. For the hedgerow, canopy cover, control of bank erosion, and control of invasive plant species would be important. For grass filter strips, control of invasive plant species and presence of native or permanent, long-lived, tall, densely stemmed grasses should be evident. **In all cases and for all practices, no evidence of livestock should be found in any CREP buffer. This would be a serious violation of the contract.**

In cases where mid-contract management is needed to address significant problems, a remedial plan should be developed with the landowner. The practices must be those either approved for mid-contract management in the original conservation plan, or approved as an amendment to the original plan by the County Committee.

Mid-Contract Management Funding

Mid-contract management activities are eligible for federal cost share. Federal cost share is limited to 50 percent of eligible cost up to $50 per acre per year not to exceed: $100 per acre for the life of the contract for a 10-year contract; or $125 per acre for the life of the contract for a contract in excess of 10 years. If funds are available, the state will match these costs equally as it will help ensure that the needed actions are taken. In limited cases, the state might pay for additional costs, and these would need to be approved on a case-by-case basis by the state CREP manager.

Contract Re-Enrollments:

Contract re-enrollment inspections should be done with enough lead time to allow for any needed additional work to be completed by or around the time of re-enrollment. There should be assurance that the landowner wishes to enroll. Also, County Committee approval of the re-enrollment must occur prior to the contract expiration date.

If the technician finds that significant work is needed on a contract that will be re-enrolled, they should work with the landowner to develop a conservation plan for this site. (Use the quality criteria listed above for both mid-contract management and re-enrollments.) If the plan is approved, FSA will pay the following: 50% cost share and 40% PIP. The state will pay 10% cost

share. The landowner will not receive any sign-up bonuses for re-enrollment. However, they will receive the current rental rate at the time of re-enrollment.

In addition, the state will pay maintenance on newly planted areas for up to 5 years after the first maintenance invoice for the replanted area. The CREP maintenance caps apply to these costs and are based upon the newly planted acreage, not the full acreage of the entire buffer. This is contingent on available funding.

Because ALL new contracts must now have a mid-contract management practice included in them, all re-enrollments must also include a mid-contract management practice even though most of them will likely be waived due to the maturity of the stand by the time the mid-contract inspection occurs.

Landowner Responsibility:

All inspection reports should be given to FSA regardless of the results. FSA can then decide whether or not additional action is needed or not and if so, they will communicate with the landowner. If during an inspection, it is found that the riparian buffer has reduced functionality due to non-natural causes/landowner negligence or omission, the technical inspector should follow the above protocol and provide the inspection results to FSA with those findings. If FSA finds that the landowner violated their contract, the landowner will be responsible for costs to restore the buffer and possibly other damages. However, that decision and subsequent communication will be conducted by FSA.

Please maintain copies of all of your inspection reports in your office. If possible, scan and upload them into the appropriate project in the CPDS under the Documents tab at the project level.