

For: State and County Offices

Updated Practice CP33, Habitat Buffers for Upland Birds

Approved by: Deputy Administrator for Farm Programs



1 Overview

A Background

Practice CP33, Habitat Buffers for Upland Birds (CP33) was announced in 2004. The practice was originally limited to 250,000 acres. There are currently over 196,000 acres enrolled in this practice.

The purpose of this practice is to provide food and cover for quail, upland birds, and other species. Secondary benefits may include reducing soil erosion from wind and water, improving soil and water quality, protecting and enhancing the on-farm ecosystem, and intercepting airborne particulate matter and chemicals to buffer organic farming operations.

As these practices have become eligible for re-enrollment, the Conservation Division has been asked to clarify whether the buffer must be located around the entire perimeter of the field.

B Purpose

This notice provides updated policy for continuous CRP signup practice CP33 to:

- remove the requirement that the buffer be located around the entire perimeter of the field for new offers or at the time of re-enrollment
- update CP33 size requirement policy
- clarify use of CP33 to buffer organic production
- provide updated 2-CRP Exhibit 11 CP33 National Practice Description until a 2-CRP amendment is published (Exhibit 1).

Disposal Date	Distribution
January 1, 2023	State Offices; State Offices relay to County Offices and NRCS State Offices

Notice CRP-975

2 Action

A State Office Action

State Offices will:

- follow the provisions in this notice
- distribute this notice to NRCS State Offices
- ensure that County Offices follow the provisions in this notice
- submit questions to Alan Lange, Natural Resource Specialist.

B County Office Action

County Offices will:

- follow the provisions in this notice
- submit questions to their State Office.

CP33 Habitat Buffers for Upland Birds**A Purpose**

The purpose of this practice is to provide food and cover for quail and upland birds in cropland areas. Secondary benefits may include reducing soil erosion from wind and water, improving soil and water quality, protecting and enhancing the on-farm ecosystem, and intercepting airborne particulate matter and chemicals to buffer organic farming operations.

B Program Policy

Apply this practice along field boundaries or pivot corners of eligible cropland that is suitably located and adaptable to the establishment of wildlife habitat for primarily quail and upland bird species. Upland habitat buffers will be allowed to re-vegetate by natural herbaceous succession, and/or will be established to adapted species of native, warm-season grass, legumes, wildflowers, forbs, and limited shrub and tree plantings, as specified according to an approved conservation plan. The conservation plan **must** be designed according to the NRCS FOTG.

Eligible cropland must meet the requirements in 2-CRP, paragraph 151 and be located along field boundaries or pivot corners suitable for quail and upland birds.

CP33 may be enrolled on qualifying cropland to intercept airborne particulate matter and chemicals to buffer organic production. All CP33 practice policies apply when designing CP33 as a buffer for organic production.

CP33 Habitat Buffers for Upland Birds (Continued)**C Size Requirements**

Habitat buffers will be installed along the field boundary with a length and width designed to meet the primary purpose of food and cover for upland birds in an amount that aligns with objectives of the participant. Design dimensions will also consider any secondary purposes identified to be objectives of the participant. The following average minimum and maximum width policy applies to all situations where CP33 is being applied:

- minimum average width is 30 feet
- maximum average width is 120 feet
- pivot corners of any size may be enrolled as CP33.

CP33 buffers will be installed along the field boundary (perimeter) or pivot corners of a cropped field. The entire perimeter of the field is not required. Limitations include:

- travel lanes will not be enrolled and **must** be wide enough to allow for normal access of farm machinery to the field
- buffers must not be used as turn rows, roads, or for storage of crops or equipment
- whole fields will not be enrolled:
 - fields less than 5 acres must not be enrolled in this practice
 - infeasible to farm does not apply to CP33

Note: Pivot corners may be less than 5 acres.

- alfalfa fields used for pasture or for hay and marginal pastureland do not qualify for enrollment

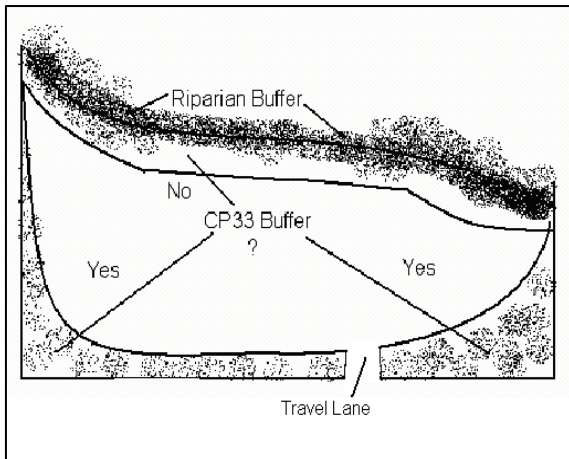
Note: Alfalfa is considered a crop for CP33 purposes only if it is in a rotation according to 2-CRP, paragraph 151.

- CP33 buffers must not be “stacked” with other CRP grass practices on the same land ownership unit
- individual center pivot “corners” may be enrolled.

CP33 Habitat Buffers for Upland Birds (Continued)

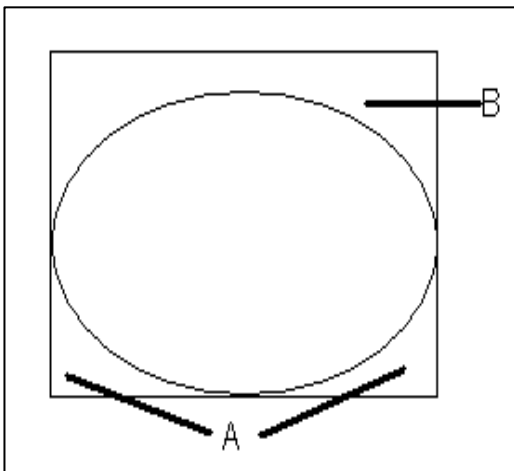
C Size Requirements (Continued)

Example 1:



1. If a field already has a riparian buffer, this practice may be installed on the remaining sides of the field, but not adjacent to the established riparian buffer or other CRP practices.
2. If a field already has a native grass filter strip, this practice may be installed on the remaining sides of the field, but not adjacent to the established filter strip or other CRP practices. If the existing practice is trees (windbreak, shelterbelt, hedgerow, or riparian buffer), this practice can be considered on a case-by-case basis.

Example 2:



If 2 or more of the corners are connected by a buffer along the edge of the field (Figure 2, B) and if the buffer meets the dimensions set forth in the CP33 practice criteria, then center pivot corners may be enrolled as part of the CP33 buffer. Pivot corners with or without connecting buffers may also be enrolled as CP33 (Figure 2, A).

CP33 Habitat Buffers for Upland Birds (Continued)

D Eligibility

To be eligible for cost share (C/S), this practice must:

- primarily improve, enhance, or create quail and upland bird habitat to an acceptable level
- prevent degradation of quail and upland bird habitat from recurring after establishment
- be maintained for the CRP-1 period
- be included in the approved conservation plan
- prevent degradation of environmental benefits from recurring after establishment.

E C/S Policy

The following contains C/S policies for this practice.

If the component is...	AND the justification is...	THEN C/S is...
temporary cover	<ul style="list-style-type: none"> • that a soil condition will not allow establishing a natural successional cover within 1 growing season • needed until selected seed or plant stock is available • needed because normal planting period for the species has passed 	authorized using technical practice codes 314, 315, 327, 338, 386, 390, 394, 550, 645, and 647.
grading, leveling, and filling	to control concentrated flow and site preparation Important: Grading, leveling, and filling does not include shaping or manipulation of a stream bank.	
site preparation	specified in the approved conservation plan	

CP33 Habitat Buffers for Upland Birds (Continued)

E C/S Policy (Continued)

If the component is...	AND the justification is...	THEN C/S is...
eligible seed or plant stock, including shrubs/trees; C/S for shrubs/trees up to 10 percent of the approved practice Important: Native species are encouraged.	specified in the approved conservation plan, best suited for the targeted species	authorized using technical practice codes 327, 338, 386, 390, 394 550, 595, 645, and 647.
buffer boundary marker	specified in the approved conservation plan	
grading, leveling, and filling	to control concentrated flow	
clean tilling	specified in the approved conservation	
herbicide	to maintain vegetative cover	not authorized.
insecticide		
clearing rocks or other obstructions from the area to be seeded		
stream bank stabilization	to enhance production	
mineral or nutrient		

CP33 Habitat Buffers for Upland Birds (Continued)**F Practice Requirements**

In addition to the practice standards in NRCS FOTG, the following requirements apply.

- The seeded acreage must not be harvested or grazed by domestic livestock for the life of CRP-1.

Exceptions: Emergency and non-emergency haying/grazing if authorized and included in the conservation plan. See 2-CRP, Part 19.

- Limit C/S to the minimum minerals and seed necessary to establish an adequate cover to improve wildlife habitat and environmental benefits.
- Trees and shrubs will not exceed 10 percent coverage of the buffers. Shrubs and trees selected **must** provide optimal quail habitat and/or emergency benefits. Shrubs planted for wildlife berries/fruit and trees planted for wildlife fruit/nuts are acceptable if suited to the site.
- Chemicals used in performing the practice **must** be:
 - Federally, State, and locally registered
 - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements.
- Noxious weeds and other undesirable plants, insects, and pests must be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding land.
- The habitat buffer **must** be established and maintained according to the practice standards in NRCS FOTG.
- Buffers must not be used as turn rows, roads, or for storage of crops or equipment.
- **Seeding, if it occurs at all, must occur at much lighter rates than for CRP practices aimed at soil conservation and water quality enhancement.** CP33-enrolled acres must be lightly seeded and may even be allowed to regenerate by natural succession without additional seeding, provided that NRCS or a Technical Service Provider certifies adequate seed source for natural regeneration.
- If natural regeneration fails, the producer is responsible for seeding the buffers to meet the intent of the practice.

CP33 Habitat Buffers for Upland Birds (Continued)**F Practice Requirements (Continued)**

- Desirable vegetation may be propagated through light disking, and may be maintained through light disking every two to three years over the life of the contract.
- Spot application of herbicide may be needed to control undesirable plants.
- Native grass, although the inclusion of native forbs/legumes is encouraged. Alfalfa and clover may be part of the seeding mix.

G Planting Timespan

Planting of the approved cover must be completed within 12 months of the effective date of CRP-1. See paragraph 426 for exceptions.

H Environmental Concerns

Consideration of wildlife habitat, water quality and quantity, and other environmental concerns, including impacts to organic farming operations, are to be evaluated in the planning and establishment of the upland habitat practice.

I Practice Maintenance

This practice must be maintained without additional C/S for the life of CRP-1 according to the practice standards in NRCS FOTG.

C/S must be refunded if either of the following applies:

- the producer destroys the practice during the contract period
- the cover fails to provide adequate upland quail and upland bird habitat and environmental benefits during the practice lifespan, unless the failure is caused by circumstances beyond the producer's control.

CP33 Habitat Buffers for Upland Birds (Continued)**J Management Activity**

This practice will have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. For quail and upland bird buffers, the buffers must be disturbed on a rotational basis by light disking, prescribed burning, selective herbicide application, or other prescribed methods as approved to set back vegetative succession and woody encroachment, and to expose food seeds. Mowing is an inadequate means of disturbance for quail habitat, except as need to facilitate prescribed burning or light disking. See paragraph 428.

C/S is not authorized for management activities.

K Program Development

Follow this subparagraph to develop the county program.

- county programs must provide the requirements that are conditions for C/S
- STC may establish these requirements.

L Technical Responsibility

Technical responsibility for this practice is assigned to NRCS or TSP.