

For: IA, MN, MT, ND, SD State and County Offices

**Farmable Wetlands Program – Flooded Prairie Wetlands (CP41)
Cropping History Provisions and 20 Acres Limit**

Approved by: Deputy Administrator, Farm Programs



1 Overview

A Background

The Food, Conservation, and Energy Act of 2008 (2008 Act) provides that land enrolled in CRP under FWP that is subject to the natural overflow of a prairie wetland (Flooded Prairie Wetlands) must have been cropped during at least 3 of 10 crop years after January 1, 1990, and before December 31, 2002.

The 2008 Act also provides that the maximum size of any land enrolled in CRP under FWP as flooded farmland (Flooded Prairie Wetlands) shall be 20 contiguous acres.

Questions have arisen concerning:

- whether cropped includes land that is considered planted for cropping history purposes
- the 20-acre limit for wetlands enrolled as Flooded Prairie Wetlands (CP41).

This notice only pertains to States located in the Prairie Pothole National CRP CPA.

B Purpose

This notice provides policy about the following:

- cropping history provisions for Flooded Prairie Wetlands (CP41)
- 20 acres limit for Flooded Prairie Wetlands (CP41).

Disposal Date	Distribution
February 1, 2010	Above State Offices; State Offices relay to County Offices

Notice CRP-648

2 Policy

A Flooded Prairie Wetlands (CP41) Cropland Eligibility Criteria - Cropping History Provision

Eligible cropland for Flooded Prairie Wetlands (CP41) may include cropland that is **all** of the following:

- planted
- COC-approved prevented planted
- considered planted to an agricultural commodity during any 3 of the previous 10 crop years, beginning January 1, 1990, and **before** December 31, 2002.

Notes: Acreage for which a producer received a crop insurance indemnity payment for prevented planting shall be considered planted for that year for CRP cropping history purposes.

Field margins that are incidental to the planting of crops, such as turnrows, field borders, and center pivot corners, are eligible to be offered. Field margins do not include other areas within a field.

Acreage that received planted and considered planted credit for crop acreage base protection is considered planted for purposes of CRP cropland eligibility.

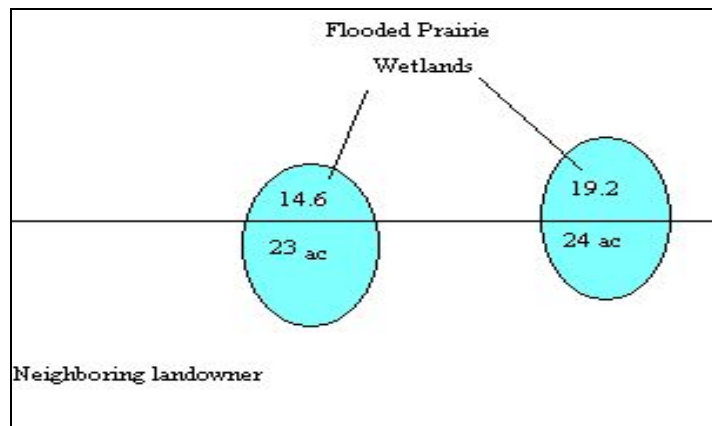
A late-filed FSA-578 may be accepted according to 2-CP when there is no FSA-578 on file for the applicable year being used to determine cropping history for eligibility.

2 Policy (Continued)

B Flooded Prairie Wetlands (CP41) Divided By Tract Boundaries

A wetland area which may be divided by a tract boundary is not precluded from enrollment provided the size of the wetland on a given tract of an owner or operator does not exceed the acreage size limit for the farmed wetland.

Example: A producer in the following example has flooded prairie wetlands that cross the property boundary. The parts of the wetlands that are on the producer's property are less than 20 acres. However, the size of the individual flooded prairie wetlands exceeds 20 contiguous acres. Because the acreage being enrolled is separated by a tract boundary and is 20 acres or less the land is eligible for enrollment in FWP.



C Twenty Contiguous Acre Flooded Prairie Wetlands (CP41)

If the flooded prairie wetland (CP41) being offered for enrollment is a portion of a wetland larger than 20 contiguous acres, producers may enroll a portion of the wetland up to 20 contiguous acres.

3 Action

A State Office Action

State Offices shall ensure that County Offices understand the provisions of this notice.

B County Office Action

County Offices shall read and follow the provisions of this notice.