

02 NCAC 59F .0102 ELIGIBILITY

(a) Persons may offer to enroll acreage to CREP at any time within the enrollment period or any extension thereof. Acreage enrolled into the CREP is referred to as "CREP Enrollments." Acreage enrolled into NC-CREP is referred to as NC-CREP Enrollments. In order to be enrolled into the CREP, all of the following shall be met:

- (1) the producer eligibility requirements within the United States Department of Agriculture's 2-CRP Manual;
- (2) the cropland and marginal pasture land requirements within the United States Department of Agriculture's 2-CRP Manual;
- (3) Acreage offered is eligible under the United States Department of Agriculture's 2-CRP Manual and applicable NRCS standards, and is suitable for the intended practice; and
- (4) Producer accepts the maximum payment rate based on the payment formula described in Rule .0105 of this Section.

(b) The Commission may refuse enrollment where water quality benefits do not justify the payments, or where the acquisition is impractical or nuisance conditions exist on the land.

(c) The following acreage is ineligible to be enrolled in CREP:

- (1) federally-owned land unless the applicant has a prior written lease for the time frame in which the land is under the Conservation Reserve Program (CRP);
- (2) land on which a federal agency restricts the use in a mortgage or an easement;
- (3) acreage permanently under water, including acreage currently enrolled in CRP;
- (4) land currently enrolled in other federal programs and still under lifespan requirements;
- (5) land already enrolled in CRP; or
- (6) acreage withdrawn, terminated or otherwise released from the CRP after enrollment and before the contract expiration date.

(d) For the NC-CREP, landowners may enroll into one of the enrollment options included in the United States Department of Agriculture's 2-CRP Manual. 30-year contract or easement;

(e) Existing forested buffers may be enrolled under NC-CREP according to the limitations in the United States Department of Agriculture's 2-CRP Manual.

(f) An unmanageable field remnant may qualify for enrollment subject to the conditions in the United States Department of Agriculture's 2-CRP Manual.

(g) Landowners may switch from a 30-year contract/easement to one of the permanent easement options or may enroll additional land under the payment schedule existing at the time of the change in enrollment.

(h) Eligibility for the CREP shall be determined by the local District, Farm Service Agency (FSA), NRCS and the Division. An eligible applicant may enter into the federal agreements (10-years to 15-years), as well as the State agreements (30-year or permanent). Persons and land qualifying for the federal portion of CREP may also be qualified for enrollment under NC-CREP. Any landowner enrolling 10 acres or greater per tract, regardless of the length of enrollment, must enter into a 30-year or permanent State agreement.

*History Note: Authority G.S. 106-840; 106-850(a); 139-4;
Temporary Adoption Eff. October 1, 2000;
Eff. August 1, 2002;
Amended Eff. December 1, 2006; July 1, 2004;
Transferred from 15A NCAC 06G .0102 Eff. May 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.*