

For: FSA Offices

**Re-Enrollment of Practice CP22 In Situations Impacted by Beaver**

Approved by: State Executive Director

RDH



**1 Overview**

**A Background**

2-CRP, paragraph 181 G indicates land is ineligible for CRP if it is “expiring land permanently inundated with water” and notes the “land permanently inundated with water is land that is reasonably expected to be under water through the CRP-1 period.” However, an exception is listed for several practices that may be associated with water such as wetland enhancement practices. Practice CP22 is not listed as an exception.

In many instances, the successful installation of riparian buffers has resulted in beavers moving into the area. This has sometimes resulted in water backed up into the buffer area, causing the land to become seasonally or permanently inundated and killing some of the trees and shrubs in the buffer. This is a natural process that in many cases returns the hydrologic conditions and plant communities on the site to what existed prior to disturbance that facilitated agricultural and other human activity.

Wetland complexes that include a mixture of surface water, trees, shrubs, and herbaceous vegetation can provide a variety of habitat functions for fish and wildlife. Examples include forage and cover for aquatic insects, rearing areas used by juvenile salmonids for foraging and cover from predators, and backwater refuge areas used by aquatic species when flow and velocity are high in the main channel. In addition, these wetland complexes provide water storage and cool water during low flow periods. These complexes may not look like a classic forested riparian buffer, but their habitat contributions are well documented.

**B Purpose**

The purpose of this notice is to provide clarification about the re-enrollment of expired CP22 practices where a portion of the land is inundated by water. This guidance was obtained from the National Office.

<b>Disposal Date:</b>	<b>Distribution:</b>
March 1, 2016	FSA County Offices, DD’s, COR

## WA Notice CRP-102

### 2 Re-Enrollment of Inundated Land

#### A Background

Paragraph 151 and 181 of 2-CRP both provide that land permanently under water is not eligible for CRP. Paragraph 181 provides some exceptions to this restriction for practices such as wetland restoration and wetland buffer practices. The intent of this policy was to address situations that occurred in the upper Midwest several years ago where land enrolled in general CRP practices not associated with water became permanently inundated with water and in some cases were eventually classified as “waters of the US.” The National Office indicated that the exceptions in paragraph 181 G would also apply to re-enrolled CP22 practices where the inundation was caused by beaver activity developing in conjunction with the buffer installation.

#### B Site Analysis

Beaver modifications to riparian forest buffer practices should form complexes of wetland habitat that:

- provide opportunities for juvenile salmonids to forage on aquatic insects
- provides cover and refuge from predators in dense herbaceous vegetation and deep pools
- allows backwater refuge during high flow events
- provides cool water refuge and water storage during low flow events.

The inundation should not be so much as to remove buffer function between the wetland complex and the agricultural practices or other land uses adjacent to the project to protect water quality. Pockets of vegetation should remain to serve as seed source for willow, red osier dogwood, Douglas spirea or other wetland shrub species appropriate for the site. Openings greater than allowed by the CP22 practice should not be allowed on streams that are 303d listed for temperature where soils and hydrology will still support woody vegetation.

Beaver management plans are strongly recommended to ensure that inundation remains within the project boundary and new ponds at the upstream end of a project do not create offsite flooding.

**Notes:** Sites with no surviving woody plants should not be re-enrolled as is.

The provisions of this notice do not apply to situations where there has been significant tree or shrub failure as a result of something other than beaver encroachment.