



CREP Perpetual Easements – Land Use Activities Allowed with DATCP & LCC Approval *Updated: 12/21/2023 - DATCP*



Purpose: This document provides guidance for approving land use activities on CREP perpetual easements with expired Federal CRP-1's. The land use activities below are provisions in the LWR-281 which are "Allowed with DATCP & LCC approval" as listed in the *Wisconsin CREP Perpetual Easement Provisions Guide*. These activities must be incorporated into the existing conservation plan through an amendment approved by the county LCC and DATCP prior to commencement. (*LWR-281 Sec 1, 2.A., 3.A. & 3.L.*) Maintenance and management activities eligible under CREP included and approved as part of an amended conservation plan may receive up to 50% cost share up from DATCP. (See LWR-287)

General Requirements Applicable to All Amendments:

- FSA CRP-1 for the associated easement must be expired.
- County agrees to monitor the easement annually for the first three (3) years after a conservation plan amendment that includes any land use activities listed in this document. County will report to DATCP the results of monitoring.
- Amended conservation plan includes management and maintenance requirements over the subsequent 15-year term.
- The easement has had an official monitoring record within the last five (5) years as well as be in "compliance" status. DATCP will not give approval in writing for a conservation plan amendment where the easement is out of compliance as a result of an action that is the fault of the landowner. DATCP may consider granting written approval to amend a conservation plan where the easement is out of compliance through no fault of the landowner.
- Complete amendment packet delivered to DATCP that includes the following:
 - o A letter of intent to amend the conservation plan along with rationale from the landowner demonstrating how the proposed land use would benefit the of water quality improvement or wildlife management purposes of the easement.
 - o Copy of proposed amended conservation plan with associated documents (maps, descriptions, grazing plan, etc.)
 - o Proof of approval by the LCC of the conservation plan amendment. Copy of minutes or letter from chair.
 - o Copy of official easement monitoring records completed within the last five (5) years.

Haying (*LWR-281 Sec 3.E., 3.L.4. & 5.D.*)

- Prescribed conservation practice in the conservation plan must be maintained as is defined by the applicable NRCS Wisconsin Job Sheet for the conservation practice, excepting any provisions defined by the Department.
- Applicable on the following conservation practices: CP-1, CP-2, CP-10, CP-21, and CP-29.
- Hay no more than once in a 12-month period.
- Vegetation may not be cut lower than six (6) inches.
- All cutting or harvesting of hay must be done outside of the primary nesting season as defined in the CREP easement contract as May 15 through July 31.
- Under no circumstances is spreading manure or grazing permitted on the CREP easement.
- If over-seeding to improve forage value, it must be an approved mix suited for the site and greater than 50% of the seed mixture must consist of a minimum of two (2) grass species.
- Hay bales must be removed from the field to avoid smothering vegetation.

Grazing (LWR-281 Sec 3.L.4. & 5.D.)

- Prescribed conservation practice in the conservation plan must be maintained as is defined by the applicable NRCS Wisconsin Job Sheet for the conservation practice, excepting any provisions defined by the Department.
- Grazing must be according to a certified managed grazing plan that includes the following:
 - o Map showing CREP easement boundary, location of streams/rivers/ditches/lakes, paddock boundaries, placement of permanent and temporary fencing, watering systems, and travel routes.
 - o State the number and type of livestock, number of paddocks, duration of grazing period within each paddock, and the months of the year grazing will occur.
- Applicable on the following conservation practices: CP-1, CP-2, CP-10, CP-21, and CP-29.
- Sites not suitable for grazing include those that were marginal pastureland at the time of easement establishment, practices where trees and shrubs are prescribed, or that have persistently wet soils.
- Continuous grazing is not allowed.
- Vegetation may not be grazed lower than six (6) inches.
- If over-seeding to improve forage value, it must be an approved mix suited for the site and greater than 50% of the seed mixture must consist of a minimum of two (2) grass species.
- Under no circumstances is mechanical manure spreading permitted in the CREP easement.
- No overwintering on or using CREP easement areas as sacrifice areas.
- Permanent fencing will be installed around the perimeter of the CREP easement areas.
- Livestock must be prohibited from entering environmentally sensitive areas such as the adjacent ditch, stream, river, pond, or wetland being protected by the easement.
- Livestock are not allowed within the CREP easement areas when soil is wet.

Timber Harvest (LWR-281 Sec 3.L.4. & 5.D.)

- Prescribed conservation practice in the conservation plan must be maintained as is defined by the applicable NRCS Wisconsin Job Sheet for the conservation practice, excepting any provisions defined by the Department.
- Applicable on the following conservation practices: CP-22, CP-25.
- Allow for pre-commercial thinning of living trees along with dead, diseased, or malformed trees or other species in accordance with prescribed stocking rates.
- Stocking rates will be maintained according to NRCS Forestry Technical Note 3: "Tree Spacing for Riparian Forest Buffers".
- Managed timber harvests will be done following a NRCS certified forest management plan approved by DATCP prior to the start of any harvest.
- All cutting or harvesting must be done outside of the primary nesting season as defined in the CREP easement contract as May 15 through July 31.
- Under no circumstances is spreading manure or grazing permitted on the CREP easement.
- When harvest needed on sites that are wet, a winter harvest should be performed to minimize impact on soils and ground vegetation.

Change of Conservation Practice / Alter Vegetation (LWR-281 Sec 3.L.1.)

- Site must have met CREP enrollment criteria for the new CREP conservation practice at time of original enrollment.
- Cost of establishment is the responsibility of the landowner.
- New conservation practice must be established according to the applicable NRCS Wisconsin Job Sheets and Practice Standards, excepting any provisions defined by the Department.
- Implementation plan submitted by landowner for approval must include items listed in the NRCS statement of work (SOW), a detailed Implementations Requirement (IR) document along with the species list and planting rates. Site preparation, planting, and seeding must be done according to NRCS Practice Standards for the practice.
- Conversion must be completed within 12 months of the date of DATCP approval.
- Conservation cover must be maintained as is defined by the applicable NRCS Wisconsin Job Sheet excepting any provisions defined by the Department.

Mow or Spray with Chemicals (LWR-281 Sec 3.L.3)

1) Spot mowing:

- Must obtain county level approval prior to each mowing.
- Used as a management tool for controlling invasive or exotic species of weeds and brush.
- Should be timed to maximize control of the target species.
- Mowing should be limited to no greater than 20% of a field in a single year and the mowing location should be changed from year to year.
- Vegetation may not be cut lower than six (6) inches.

2) Spot spraying:

- Must obtain county level approval prior to each application
- Used only as a management tool to control invasive or exotic species of weeds and brush.
- Allowed only after approval of a spray plan by the County Land Conservation Department. Plan must include details of the type, method, and timing of chemical treatment along with the targeted species.
- Notice must be given to the County Land Conservation Department prior to each spraying to allow staff to monitor the practice and its effects.
- Spraying is limited to the methods and chemicals listed in the amended conservation plan and approved spray plan.

Prescribed Burning (LWR-281 Sec 3.A.4 & 3.L.6)

- Prescribed burns must follow DNR and/or township rules regarding burning and permits.
- The burn must follow a plan.
- Applicable on the following conservation practices: CP-1, CP-2, CP-10, CP-21, and CP-29
- Must be conducted by trained personnel with adequate equipment to control the burn.
- Prescribed burns are allowed no more than once annually.
- Burn breaks may be mowed in the fall prior to a burn year. Must maintain six (6) inch perennial cover. Permanent trails not permitted.
- Burn plan must be kept on file with the landowner; however, it does not need to be submitted to the LCD or DATCP.

Plant Agricultural Crops for Wildlife - aka "Wildlife Food Plots" (LWR-281 Sec 3.L.2.)

- Provide an updated conservation plan that is site specific for this type of intensive practice, specifically on sensitive sites.
- Wildlife food plots on CREP easements shall follow applicable provisions of [CRP CP-12](#) Guidelines for Wildlife Food Plots, the 2CRP - Exhibit 11 (CRP Manual) along with the following Department prescribed provisions:
 - o Applicable in conjunction with CP-1, CP-2, CP-25.
 - o Have a minimum of 0.25 acres with a maximum size of five (5) acres and shall comprise no more than 10% of an easement area.
 - o DATCP may not approve a plan to relocate the food plot on an annual basis.
 - o Noxious weeds, undesirable plants, insects, and pests must be controlled.
 - o Practice maintained according to technical specifications without cost-share.

Create Shallow Water Areas for Wildlife (LWR-281 Sec 3.A., 3.D., 3.H.)

- Prescribed conservation practice in the conservation plan must be maintained as is defined by the applicable NRCS Wisconsin Job Sheet for the conservation practice, excepting any provisions defined by the Department.
- Applicable on the following conservation practices: CP-23, CP-23A
- Established according to NRCS standards for Shallow Water Areas for Wildlife (CP9, FSA Code "CRCF") according to the applicable NRCS Wisconsin Job Sheets and Practice Standards, excepting any provisions defined by the Department.
- Implementation plan must be submitted by landowner and approved that includes items listed in the NRCS statement of work (SOW), a detailed Implementations Requirement (IR) document.

Storage of Vehicles or Machinery (LWR-281 Sec 3.C.)

- Temporary storage only. Must provide specific dates, type, and quantity of vehicles or machinery.