Noxious Weed Forum

North Dakota
USDA
Farm Service Agency
CRP Weed Control Policy

CRP cover maintenance is the participant’s responsibility and will do so without additional financial assistance from FSA.

CRP Participants must also be in compliance with State noxious weed laws, as determined by the State or local noxious weed board.
NOTE: Neither the FSA State Committee or local FSA County Committee, or the County Executive Director has the authority to determine whether a CRP participant has failed to comply with State noxious weed laws.

If the local weed board determines non-compliance with the State noxious weed law, FSA will take the appropriate action.
CRP Weed Control Policy

CRP participants are not in compliance with contract provisions if:

• The County Weed Board has determined the landowner is in violation of the State’s noxious weed laws, or

• The County Committee has determined the CRP acreage has weeds, noxious and others, that pose a threat to establishment or maintenance of the vegetative cover or are adversely impacting surrounding lands.
CRP Weed Control Policy

• If the County Weed Board has determined there has been a violation of the State’s noxious weed law on land enrolled in CRP, the County Committee must either:
  – Terminate the acres in violation, or
  – Apply a standard payment reduction, provided the producer made a good faith effort in controlling the weeds
CRP Weed Control Policy

• The payment reduction is equal to twice the cost of carrying out the satisfactory control measures.

  – The annual CRP payment will be reduced by the amount determined.
  – The payment reduction is limited to the annual rental payment of the contract.
CRP Weed Control Policy

• FSA completes farm inspections per policy and when any source (general public) notifies FSA of a potential violation.

• All CRP contracts that had a weed violation in the previous year will be inspected prior to July 15\textsuperscript{th} of the current year.
CRP Weed Control Policy

• FSA’s action when weeds are found or reported:
  – Determine if the weeds are adversely impacting vegetative cover or surrounding land.
  – Notify CRP participants and remind them of their responsibility to control weeds.
  – Notify County Weed Board, only if weeds are noxious.
CRP Weed Control Policy

- In the letter sent to the CRP participant, they are told to timely take action to prevent the weeds from going to seed and spreading to nearby land.
- The CRP participant is directed to contact NRCS or County Extension on proper control measures.
- The letter also informs the CRP participant that a copy of the letter was also sent to the County Weed Board.
CRP Weed Control Policy

• FSA’s action when weeds are found or reported (continued):
  – Re-inspect field(s) later in growing season to determine if corrective actions have been taken (usually within 2 weeks).
  – If the County Weed Board has determined there is a violation of the State’s noxious weed laws, FSA will notify CRP participant that the contract is in violation and the affected acres will be terminated.
CRP Weed Control Policy

• FSA’s action when weeds are found or reported (continued):
  – FSA will provide the County Weed Board with a copy of the letter sent to the CRP participant informing them of the contract violation and termination of affected acres.

• At this point, the CRP participant usually appeals to FSA.
• FSA’s action when weeds are found or reported (continued):
  – During the appeal process, the FSA County Committee will determine if the producer made a good faith effort in controlling the weeds.
    • The producer must explain or prove to the County Committee what control measures were taken.
    • If satisfactory measures were taken, the County Committee will assess a payment reduction.
    • If a good faith effort can’t be determined, the affected acres will be terminated, refunds required, etc.
Agricultural Act of 2014

Agriculture Risk Coverage
&
Price Loss Coverage Program
(ARCPLC)
Acreage Maintenance
ARC/PLC Acreage Maintenance

- Requirement:
  - Producers must protect **ALL** land on a farm enrolled in ARC/PLC from noxious weeds and wind/water erosion.

National Handbook 4-CP (Rev. 7)
North Dakota Law (NDCC § 4.1-47-02) requires every person to do all things necessary and proper to control the spread of noxious weeds.
ARC/PLC Acreage Maintenance

- Producers sharing in ARC and/or PLC payments on the farm will receive notification from FSA if:
  - noxious weeds are not controlled, or
  - acreage is not protected from wind and water erosion.

- A field inspection may be conducted as a result of:
  - FSA spotcheck
  - FSA observation
  - whistleblower.
ARC/PLC Acreage Maintenance

– First Maintenance Default

– All producers sharing in ARC or PLC payments, per farm unit, are entitled to one warning letter for the first maintenance default.

– If a field visit conducted by FSA confirms noncompliance, a first default letter will be issued to applicable producers.
ARC/PLC Acreage Maintenance

– The first default letter will include the following:
  – type of default (i.e. – noxious weeds or wind/water erosion)
  – date default was discovered
  – number of acres in default
  – action required to avoid a payment reduction
  – statement that corrective action must be completed within 15 calendar days.
ARC/PLC Acreage Maintenance

– Second Maintenance Default

– Occurs when both the following apply:

» Maintenance requirements are not met
» Producer previously received a warning letter providing 15 calendar days to correct the default.
ARC/PLC Acreage Maintenance

– The second default letter will include the following:

  – statement that a warning letter was sent
  – a maintenance default payment reduction will be applied
    » COC established maintenance rate, times 1.5
  – corrective action must be taken within 15 calendar days from the notification letter.
ARC/PLC Acreage Maintenance

– Third Maintenance Default

– Occurs when both the following apply:
  » Maintenance requirements are not met
  » Producer previously received a second default letter providing 15 calendar days to correct the default and a payment reduction was assessed.
ARC/PLC Acreage Maintenance

– The third default letter will include the following:

  – statement that a warning and second default letter was sent
  – an additional maintenance default payment reduction will be applied
    » COC established maintenance rate, times 1.5
  – corrective action must be taken within 15 calendar days from the notification letter.
ARC/PLC Acreage Maintenance

– The third default payment reduction
  – is in addition to the second default payment reduction
  – results in the total farm reduction of 3 times the COC established maintenance rate
  – cannot exceed the farm’s total ARC/PLC payment
ARC/PLC Acreage Maintenance

– Subsequent Defaults

– No further notification letters will be issued

– No further payment reductions will be assessed
ARC/PLC Acreage Maintenance

– Subsequent Defaults, continued

– COC may elect to terminate the ARC/PLC contract for the respective program year, after considering the following:

» What was the degree of the violation
» How many acres were in default
» Did the producer control, or could the producer have controlled, the factors contributing to the violation
» Did the violation occur because of carelessness by the producer, or as part of a scheme or device to avoid compliance
» Were there extenuating circumstances that caused or contributed to the violation.
Questions???
Brad Olson
ND FSA Program Director
bradley.olson@nd.usda.gov

Wanda Braton
ND FSA Program Director
wanda.braton@nd.usda.gov