payment under this part, receive cost-
share assistance, rental payments, or
tax benefits from a State or a private
organization in return for enrolling
lands in CRP. However, as provided
under §1410.40(f), a participant may not
receive or retain CRP cost-share assist-
ance if other Federal cost-share assist-
ance is provided for such acreage, as
determined by the Deputy Adminis-
trator. Further, under no cir-
cumstances may the cost-share pay-
ments received under this part, or oth-
ewise, exceed the cost of the practice,
as determined by CCC.

§ 1410.42 Annual rental payments.

(a) Subject to the availability of
funds, annual rental payments shall be
made in such amount and in accord-
ance with such time schedule as may
be agreed upon and specified in the
CRP contract.

(b) Annual rental payments, except
for land accepted that was formerly en-
rolled under the WBP, include a pay-
ment based on a weighted average soil
rental rate or marginal pastureland
rental rate, as appropriate, and an in-
centive payment as a portion of the an-
nual payment of certain practices, as
determined by the Deputy Adminis-
trator. Payments for land accepted
that was formerly enrolled under the
WBP are limited to annual rental pay-
ments received under the WBP.

(c) The annual rental payment shall
be divided among the participants on a
single contract as agreed to in such
contract.

(d) The maximum amount of rental
payments that a person or legal entity
may receive, directly or indirectly,
under CRP for any fiscal year must not
exceed $50,000. The regulations in part
1400 of this chapter will be applicable
for determining whether the limit has
been exceeded.

(e) In the case of a contract succe-
sion, annual rental payments shall be
divided between the predecessor and
the successor participants as agreed to
among the participants and approved
by CCC. If there is no agreement
among the participants, annual rental
payments shall be divided in such man-
ner deemed appropriate by the Deputy
Administrator and such distribution
may be prorated based on the actual
days of ownership of the property by
each party.

(f) CCC shall, when appropriate, pre-
pare a schedule for each county that
shows the maximum soil rental rate
CCC may pay which may be supple-
mented to reflect special contract re-
quirements. As determined by the De-
puty Administrator, such schedule will
be calculated based on the relative pro-
ductivity of soils within the county
using NRCS data and local FSA aver-
age cash rental estimates. The sched-
ule will be available in the local FSA
office and, as determined by the De-
puty Administrator, shall indicate,
when appropriate, that:

(1) Offers of contracts by producers
who request rental payments greater
than the schedule for their soil(s) will
be rejected;

(2) Offers of contracts submitted
under continuous signup authorized at
§1410.30 may be accepted without fur-
ther evaluation when the requested
rental rate is less than or equal to the
calculated weighted soil rental rate,
based on the three predominant soils
listed; and

(3) Otherwise qualifying offers shall
be ranked competitively based on fac-
tors established under §1410.31 of this
part in order to provide the most cost-
effective environmental benefits, as de-
determined by the Deputy Administrator.

(g) Additional financial incentives
may be provided to producers who offer
contracts expected to provide espe-
cially high environmental benefits, as
determined by the Deputy Adminis-
trator.

§ 1410.43 Method of payment.

Except as provided in §1410.50, pay-
ments made by CCC under this part
may be made in cash or other methods
of payment in accordance with part
1401 of this chapter, unless otherwise
specified by CCC.

§ 1410.44 Average adjusted gross in-
come.

(a) Benefits under this part will not
be available to persons or legal entities
whose average adjusted gross income
exceeds $1,000,000 or as further specified
in part 1400 subpart F of this chapter.
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(b) The limit specified in paragraph (a) of this section may be waived as specified in part 1400 subpart F of this chapter.

[74 FR 30912, June 29, 2009]

§§ 1410.45–1410.49 [Reserved]

§ 1410.50 Enhancement programs.

(a) For contracts to which a State, political subdivision, or agency thereof, has succeeded in connection with an approved conservation reserve state enhancement program, payments shall be made in the form of cash only. The provisions that limit the amount of payments per year that a person may receive under this part shall not be applicable to payments received by such State, political subdivision, or agency thereof in connection with agreements entered into under such enhancement programs carried out by such State, political subdivision, or agency thereof that has been approved for that purpose by CCC.

(b) CCC may enter into other conservation reserve enhancement program agreements in accordance with terms deemed appropriate by CCC, with a State, political subdivision, or agency thereof, to use the CRP to cost-effectively further specific conservation and environmental objectives of that State and the nation.

§ 1410.51 Transfer of land.

(a)(1) If a new owner or operator purchases or obtains the right and interest in, or right to occupancy of, the land subject to a CRP contract, as determined by the Deputy Administrator, such new owner or operator, upon the approval of CCC, may become a participant to a new CRP contract with CCC for the transferred land.

(2) For the transferred land, if the new owner or operator becomes a successor to the existing CRP contract, the new owner or operator shall assume all obligations of the CRP contract of the previous participant.

(3) If the new owner or operator is approved as a successor to a CRP contract with CCC, then, except as otherwise determined appropriate by the Deputy Administrator:

(i) Cost-share payments shall be made to the past or present participant who established the practice; and

(ii) Annual rental payments to be paid during the fiscal year when the land was transferred shall be divided between the new participant and the previous participant in the manner specified in §1410.42.

(b) If a participant transfers all or part of the right and interest in, or right to occupancy of, land subject to a CRP contract and the new owner or operator does not become a successor to such contract within 60 days, or such other time as the Deputy Administrator determines to be appropriate, of such transfer, such contract shall be terminated with respect to the affected portion of such land and the original participant:

(1) Forfeits all rights to any future payments for that acreage;

(2) Shall refund all previous payments received under the contract by the participant or prior participants, plus interest, except as otherwise specified by the Deputy Administrator; the provisions of §1410.32(h) shall apply.

(c) Federal agencies acquiring property, by foreclosure or otherwise, that contains CRP contract acreage cannot be a party to the contract by succession. However, through an addendum to the CRP contract, if the current operator of the property is one of the contract participants, such operator may, as permitted by CCC, continue to receive payments under such contract if:

(1) The property is maintained in accordance with the terms of the contract;

(2) Such operator continues to be the operator of the property; and

(3) Ownership of the property remains with such federal agency.

§ 1410.52 Violations.

(a)(1) If a participant fails to carry out the terms and conditions of a CRP contract, CCC may terminate the CRP contract.

(2) If the CRP contract is terminated by CCC in accordance with this paragraph:

(i) The participant shall forfeit all rights to further payments under such