

For: Iowa, Minnesota, Montana, North Dakota, and South Dakota State and County Offices

Practice CP37, Duck Nesting Habitat

Approved by: Acting Deputy Administrator, Farm Programs



1 Overview

A Background

On August 24, 2006, the Agency announced a new practice, CP37, Duck Nesting Habitat, as part of the President's initiative to restore wetlands, to benefit duck nesting. This practice allows producers to restore up to 100,000 acres of wetland complexes that are located outside of the recognized 100-year floodplain.

FSA collaborated with US Fish and Wildlife Service (FWS) to determine where enhanced nesting cover would have the greatest positive impact on duck populations. Targeting duck habitat improvement to areas that support greater than or equal to 25 breeding duck pairs per square mile would benefit approximately 93 percent of the duck population while targeting about 50 to 60 percent of the landscape. Thus, the density measure of 25 breeding pairs is a biologically-established breakpoint between moderate and low duck population levels.

Restoring wetlands systems will also provide vital habitat for other wildlife species, filter runoff, recharge groundwater supplies, protect drinking water, and reduce downstream flooding.

This practice is available beginning October 2, 2006, in certain counties in Iowa, Minnesota, Montana, North Dakota, and South Dakota. Offers will be accepted under continuous signup criteria until the earlier of:

- December 31, 2007
- allocation of 100,000 acres is reached.

Disposal Date	Distribution
January 1, 2008	Above State Offices; State Offices relay to County Offices and NRCS

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1 Overview (Continued)

B Purpose

This notice provides:

- general information about new practice CP37
- requirements for practice CP37 (Exhibit 2).

C Objectives

The objective of practice CP37 is to restore wetlands and buffer located in the State of Iowa, Minnesota, Montana, North Dakota, and South Dakota outside the recognized 100-year floodplain to:

- provide nesting and brood-rearing habitat for ducks and other ground-nesting birds
- restore and enhance water quality
- reduce impacts of flood events
- enhance wildlife habitat
- reduce soil erosion.

2 Policy

A State Allocations

Total enrollment shall not exceed 100,000 acres. State enrollment allocations are provided in this table.

State	State Acre Allocation
Iowa	4,000
Minnesota	8,000
Montana	8,000
North Dakota	40,000
South Dakota	40,000

B Eligible Land

Eligible cropland for CP37:

- is cropland according to 2-CRP, paragraph 97
- is cropland outside the recognized 100-year flood plain of a permanent river or stream

2 Policy (Continued)

B Eligible Land (Continued)

- is cropped wetlands capable of being restored or enhanced and the associated buffer areas

Note: The buffer to wetland ratio must, at a minimum, equal 4 to 1 but shall not exceed 10 to 1.

- must be in areas designated as having the potential to produce greater than or equal to 25 breeding duck pairs per square mile (Exhibit 1)

Notes: Areas that meet the breeding duck pair density of greater than or equal to 25 breeding duck pairs per square mile will be provided as a detailed Geographic Information System (GIS) shapefile, delineating the CP37 eligible land based on breeding duck pair density, will be distributed on or before September 25, 2006.

Areas that do **not** meet the density criterion of greater than or equal to 25 breeding duck pairs per square mile are not eligible for CP37 and may be enrolled under CP23A.

C Incentives

A one-time wetland restoration incentive payment of up to 25 percent of the cost of restoring the hydrology of the site is authorized.

Note: Other incentives, including SIP and PIP, do **not** apply to practice CP37.

3 Supporting CP37 Signup With GIS Tools and Data

A Availability of CP37 Signup GIS tools

A new tool, the Continuous CRP Determination Tool, is scheduled to be released by November 2006 to support signup activities for Practice CP37. The tool will be released to work within ArcView 3.3 and will be used to calculate soil rental rates (SRR) for Continuous CRP offer scenarios. The new tool will include the functionality of the Signup 33 (SU33) GIS tool and will also allow additional shapefiles to be added to the project.

B Practice CP37 Eligibility Determinations

A shapefile of the CP37 eligibility zone shall be distributed with the Continuous CRP Determination Tool. This shapefile will be similar to the conservation priority area (CPA) shapefiles distributed for Signup 33. This shapefile will be loaded into the new Continuous CRP Determination Tool and will allow users to determine if at least 51 percent of the scenario area is included in the eligibility zone for CP37.

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4 Action

A State Office Action

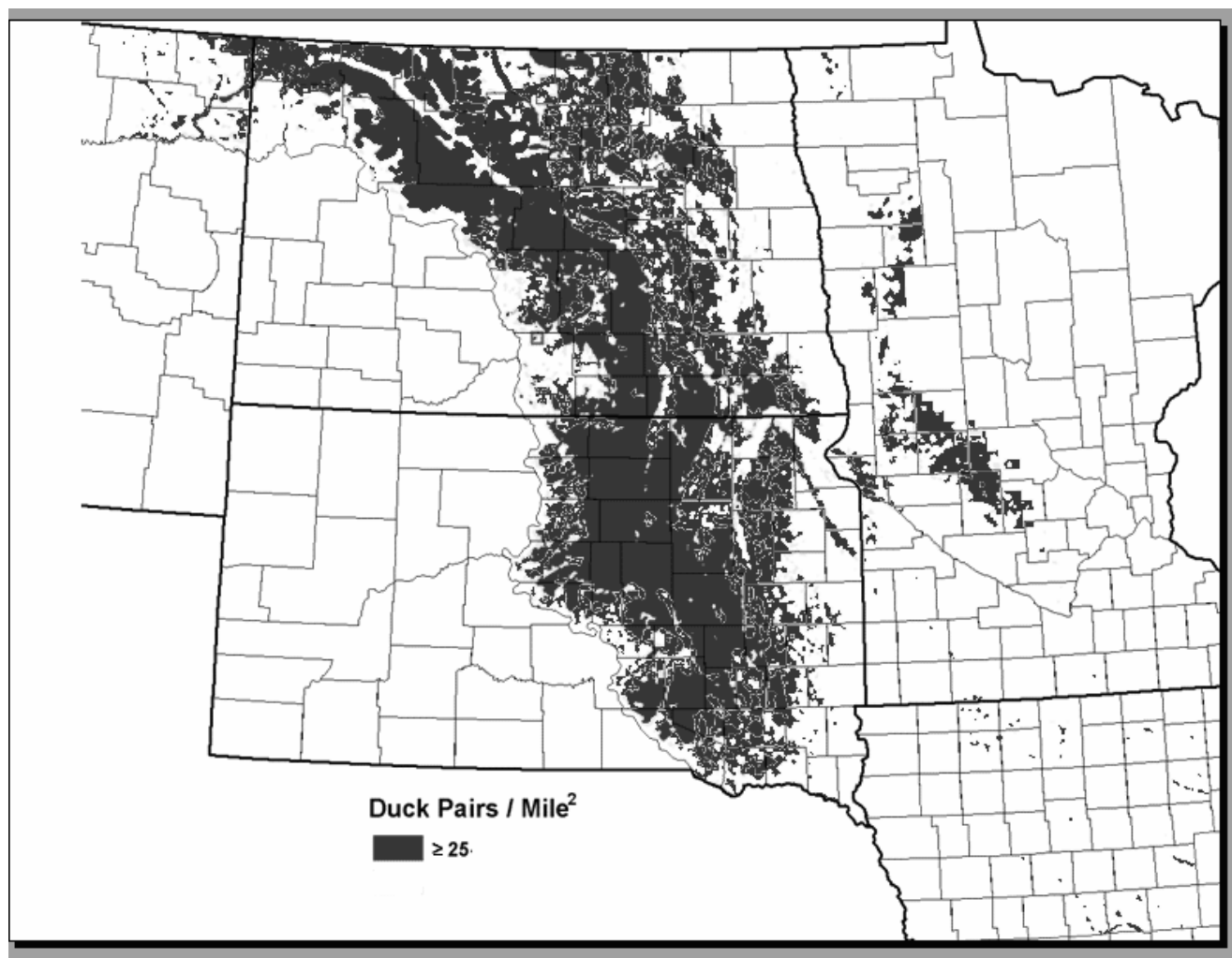
Iowa, Minnesota, Montana, North Dakota, and South Dakota State Offices shall:

- provide a copy of this notice to applicable County Offices
- monitor acres and not allow enrollments to exceed the State's allocation for CP37 offers.

B County Office Action

County Offices shall ensure procedure in this notice and 2-CRP are followed.

CP37 Areas with Duck Pair Density greater than or equal to 25 Breeding Pairs in the U.S. Prairie Pothole Region of Iowa, Minnesota, Montana, North Dakota, and South Dakota



CP37 Duck Nesting Habitat**A Purpose**

The purpose of this practice is to enhance duck nesting habitat on the most duck-productive areas of Iowa, Minnesota, Montana, North Dakota, and South Dakota to restore the functions and values of wetland ecosystems that have been devoted to agricultural use. The level of restoration of the wetland ecosystem shall be determined by the producer in consultation with FSA and NRCS or TSP.

B Application

Apply this practice to eligible wetlands and associated acreage that meet the following conditions:

- areas designated by FWS as having dense populations of duck pairs (greater than or equal to 25 breeding pairs per square mile).
- located outside the 100-year floodplain.

Note: A general map of areas that meet the density requirement is provided in Exhibit 1.

The land must be suitable and adapted to the restoration of wetland functions and values. The restoration of wetland hydrology is only required to the extent specified by the producer.

C Size Requirements

The amount of adjacent upland acreage to be enrolled shall be determined by FSA and NRCS or TSP. The amount of buffer acres must be in a ratio of 4 to 1, as a minimum, up to a 10 to 1 as a maximum of buffer to wetland ratio in areas designated by FWS as having greater than or equal to 25 duck pairs per square mile.

D Acreage Allocations

Total enrollment under CP37 shall not exceed 100,000 acres in total acreage.

Applicable States must not exceed allocations provided in subparagraph 2 A.

E C/S Eligibility

To be eligible for C/S, this practice shall:

- be included in the approved conservation plan
- be maintained for the life of CRP-1

CP37 Duck Nesting Habitat (Continued)**E C/S Eligibility (Continued)**

- restore the functional capability and values of the wetland ecosystem to a level determined by the participant in consultation with FSA and NRCS or TSP, including the following:
 - preventing degradation of the wetland area and surrounding upland area from recurring
 - increasing sediment trapping efficiencies
 - improving surface and ground water quality
 - preventing excessive erosion from recurring
 - providing waterfowl and other wildlife habitat
 - reducing flood flows.

F C/S Policy

This table provides C/S policies for this practice.

IF the component is...	AND the justification is...	THEN C/S is...
earthmoving	to construct dams, levees, dugouts, or dikes needed to develop or restore the hydrology of the site	authorized.
eligible seeding for grassland ecosystem	<p>for soils that are developed under a grassland ecosystem that will not be covered by water anytime during a normal growing season and substantiated as needed by COC for:</p> <ul style="list-style-type: none"> • establishment of permanent native grass species • establishment of permanent introduced grasses and legumes and native shrub species, where determined necessary to improve wildlife habitat • planting annuals as a nurse crop to prevent erosion while permanent cover is becoming established 	

CP37 Duck Nesting Habitat (Continued)

F C/S Policy (Continued)

IF the component is...	AND the justification is...	THEN C/S is...
seedbed preparation	substantiated as needed by COC, not including clearing rocks or other obstructions from the area to be seeded	authorized.
breaking tile	restore natural water flow	
structures, such as pipe, chutes, and outlets	to regulate flow necessary to install an effective practice, as determined by NRCS or TSP	
temporary cover	<ul style="list-style-type: none"> required in the practice specifications needed until the required seeds or plant stock is available needed because the normal planting period for the permanent cover crop has passed that a soil condition, such as chemical residue, will not allow establishment of the permanent cover immediately 	
seeding firebreaks, fuelbreaks, or firelanes	to establish and maintain the cover according to State requirements	
herbicides, pesticides, and insecticides	specified as necessary in the approved conservation plan to establish the cover, but not for use as part of the maintenance of the cover	
mineral or nutrient	substantiated as needed by COC to establish the approved cover	

CP37 Duck Nesting Habitat (Continued)**F C/S Policy (Continued)**

IF the component is...	AND the justification is...	THEN C/S is...
fencing or roads		not authorized.
clearing rocks or other obstructions from the area to be seeded		
clean tilling of firebreaks, fuelbreaks, or firelanes		
grass species	establishment for ornamental purposes	
herbicides, pesticides, and insecticides	to maintain cover	
mineral or nutrient	to maintain cover or enhance production	

G Practice Requirements

In addition to the practice standards in NRCS FOTG, the following requirements apply:

- the seeded area shall not be harvested or grazed by domestic livestock for the life of CRP-1
- limit C/S to the minimum work and materials necessary to develop or restore the wetland hydrology, and establish an adequate cover to improve environmental benefits
- the wetland ecosystem shall be restored to the extent identified according to subparagraph B.

Note: The level of restoration shall be determined by the producer in consultation with FSA and NRCS or TSP.

CP37 Duck Nesting Habitat (Continued)**G Practice Requirements (Continued)**

- Chemicals used in establishing the practice must be:
 - Federally, State, and locally registered
 - applied strictly according to authorized registered uses, directions on the label, and other Federal or State policies and requirements
- Noxious weeds and other undesirable plants, insects, and pests shall be controlled, including such maintenance as necessary to avoid an adverse impact on surrounding lands.
- The practice must be established and maintained according to the practice standards in FOTG.
- The hydrology of the wetland must be maintained according to the operation and maintenance requirements for the practice standard.
- The practice shall have periodic mid-contract management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC.

H Planting Timespan

Planting or sowing of the approved cover shall be completed within 12 months of the effective date of CRP-1. See 2-CRP, paragraph 237, for exceptions.

I Environmental Concerns

Consideration of wildlife, water quality, and other environmental concerns are to be evaluated in the planning and establishment of this practice.

J Practice Maintenance

The practice shall be maintained without additional C/S for the life of CRP-1 according to the practice standards in FOTG.

CP37 Duck Nesting Habitat (Continued)**J Practice Maintenance (Continued)**

C/S shall be refunded if any of the following apply:

- producer destroys the practice during the life of CRP-1
- producer fails to maintain the cover during the life of CRP-1
- the cover fails to provide adequate protection of water quality during the life of CRP-1, unless the failure is caused by circumstances beyond the producer's control.

K Management Activity

This practice shall have periodic management activities performed, according to the conservation plan, during the life of CRP-1, as determined by COC. See 2-CRP, paragraph 239.

Cost share is authorized for management activities.

L Incentive to Restore Hydrology

A one-time incentive payment equal to 25 percent of the cost of restoring the hydrology of the site is available to encourage the restoration of cropped wetlands. The incentive payment shall be:

- a separate payment from any applicable C/S
- issued according to 1-FI using program code "XXCRPWRI"
- issued upon certification of completion of practice
- equal to 25 percent of the cost of restoring the hydrology of the site.

Note: Do **not** include the cost associated with establishing any associated acreage when calculating the one-time incentive payment.

Producers do not have to receive C/S to be eligible for the one-time 25 percent incentive payment.

M Technical Responsibility

Technical responsibility for this practice shall be assigned to NRCS or TSP. For areas to be established to trees, FS or State Forestry Agency shall have technical responsibility.