Programmatic Environmental Assessment

Proposed Amendment to the Lake Erie Conservation Reserve Enhancement Program for Ohio

Draft
September 2006
Proposed Action: The United States Department of Agriculture (USDA), Commodity Credit Corporation (CCC) and the state of Ohio have agreed to implement an Amendment to the Lake Erie Conservation Reserve Enhancement Program (CREP), a component of the Conservation Reserve Program. USDA is provided the statutory authority by the provisions of the Food Security Act of 1985, as amended (16 U.S.Code 3830 et seq.), and the Regulations at 7 Code of Federal Regulations 1410. In accordance with the 1985 Act, USDA/CCC is authorized to enroll lands through December 31, 2007. The Farm Service Agency (FSA) of USDA proposes to enter into a CREP agreement with the state of Ohio. CREP is a voluntary land conservation program for state agricultural landowners.

Type of Document: Programmatic Environmental Assessment

Lead Agency: USDA, FSA

Sponsoring Agency: Ohio Farm Service Agency

Cooperating Agency: USDA, Natural Resource Conservation Service

Further Information: Jerry Hines, State Environmental Coordinator
Ohio State FSA Office
200 North High Street
Federal Building, Room 540
Columbus, OH 43215
(614) 255-2458
Jerry.hines@oh.usda.gov

Comments: This Programmatic Environmental Assessment was prepared in accordance with USDA FSA National Environmental Policy Act implementation procedures found in 7 CFR 799, as well as the National Environmental Policy Act of 1969, Public Law 91-190, 42 U.S.C. 4321-4347, 1 January 1970, as amended. Once this document is finalized a Notice of Availability will be printed in the Federal Register. Following the Notice of Availability FSA will provide a public comment period prior to any FSA decision. A copy of this Programmatic Environmental Assessment can be found at: http://www.fsa.usda.gov/dafp/cepd/epb/assessments.htm

Written comments regarding this assessment shall be submitted to:

Elizabeth Pruitt
CREP EA Project Manager
2713 Magruder Blvd
Suite D
Hampton, VA 23666
epruitt@geo-marine.com
EXECUTIVE SUMMARY

This Programmatic Environmental Assessment describes the potential environmental consequences resulting from the proposed implementation of a supplement to Ohio’s Lake Erie Conservation Reserve Enhancement Program. The environmental analysis process is designed to ensure the public is involved in the process and informed about the potential environmental effects of a Federal action and to help decision makers take environmental factors into consideration when making decisions related to an action.

This Programmatic Environmental Assessment has been prepared by the United States Department of Agriculture, Farm Service Agency in accordance with the requirements of the National Environmental Policy Act of 1969, the Council on Environmental Quality regulations implementing the National Environmental Policy Act, and 7 Code of Federal Regulations 799 Environmental Quality and Related Environmental Concerns – Compliance with the National Environmental Policy Act.

Purpose and Need for the Proposed Action

The purpose of the Proposed Action is to implement an amendment to Ohio’s Lake Erie Conservation Reserve Enhancement Program. The amendment would make available additional conservation practices to participating producers who enroll lands in the program. The amendment is needed to encourage enrollment to meet the 67,000 acre program goal and to address the program’s goals of improving water quality, controlling soil erosion, and protecting wildlife habitat.

Proposed Action and Alternatives

The Proposed Action would implement an amendment to Ohio’s Lake Erie Conservation Reserve Enhancement Program. By the end of fiscal year 2005, only about 24,000 acres of land had been enrolled in the program. In order to encourage additional enrollment and meet its environmental improvement goals, the proposed amendment would make available additional conservation practices to program participants. As with the existing Lake Erie Conservation Reserve Enhancement Program, agricultural production practices would be discontinued on up 67,000 acres of eligible farmland in the Lake Erie watersheds of northwestern Ohio and conservation practices would be established on those lands. This document has been prepared to analyze the potential environmental consequences associated with the additional conservation practices proposed by the amendment.
In addition to the Proposed Action, a No Action Alternative is analyzed. Under the No Action Alternative, the Lake Erie Conservation Reserve Enhancement Program would remain in place and the additional conservation practices proposed by its amendment would not be made available to producers. The impacts of the Lake Erie Conservation Reserve Enhancement Program were assessed in a programmatic environmental assessment completed in 2005. The results of that assessment are summarized in abbreviated form in this document for those resource areas potentially impacted by the proposed amendment.

Summary of Environmental Consequences

It is expected that there would be long term positive impacts associated with the implementation of the Proposed Action. Temporary minor negative impacts to some resources may occur during preparation of lands for the establishment of conservation practices. A summary of the potential impacts is given in Table ES-1.

Table ES-1 Summary of Environmental Consequences

<table>
<thead>
<tr>
<th>Resource</th>
<th>Proposed Action</th>
<th>No Action Alternative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Biological Resources</td>
<td>Long term positive impacts to vegetation, wildlife, and threatened and endangered species are expected to occur as a result the Proposed Action. The additional conservation practices made available by the Proposed Action would make possible the establishment of native grasses, wetlands and wildlife habitat thus increasing plant species diversity and reestablishing native vegetative communities and habitat for wildlife and protected species. Improved water quality is also expected to positively impact wildlife and protected species. By making additional conservation practices available to participating producers, enrollment in the program is expected to increase resulting in positive impacts on a larger geographic scale.</td>
<td>The existing Lake Erie Conservation Reserve Enhancement Program allows for the establishment of conservation practices which would provide long term positive impacts to vegetation, wildlife, and threatened and endangered species through the restoration of wetlands and establishment of wildlife habitat. Under the No Action Alternative the additional benefits to biological resources that are expected to result from the conservation practices proposed by the amendment would not occur.</td>
</tr>
</tbody>
</table>
### Table ES-1 -- Summary of Environmental Consequences (cont’d.)

<table>
<thead>
<tr>
<th>Resource</th>
<th>Proposed Action</th>
<th>No Action Alternative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Resources</td>
<td>Long term positive impacts to surface water quality, wetlands and floodplains are expected to occur as a result of the implementation of the Proposed Action. The additional conservation practices made available by implementing the proposed action would target escarpment areas and make possible the establishment of buffers in marginal pastures. These conservation practices would reduce runoff of sediment, nutrients, and agricultural chemicals. Implementation of the proposed amendment may result in an increase in program enrollment, potentially resulting in positive effects on a larger geographic scale. During the establishment of conservation practices, activities that remove vegetation or disturb soil may result in temporary minor increases in runoff which may temporarily affect surface water quality.</td>
<td>The existing Lake Erie Conservation Reserve Enhancement Program would provide long term positive impacts to surface water, wetlands, and floodplains through the restoration of wetlands and establishment of filter strips and riparian buffers. Under the No Action Alternative the additional benefits to water resources that are expected to result from the conservation practices proposed by the amendment, such as the targeting of escarpment areas, would not occur.</td>
</tr>
<tr>
<td>Soil Resources</td>
<td>Long term positive impacts to topography and soils are expected to result from the implementation of the Proposed Action. The additional conservation practices proposed by the amendment would target escarpment areas would make available the establishment of permanent vegetation and buffers in marginal pastures. These practices are expected to stabilize soils, reduce erosion by wind and water, and stabilize topography. Implementation of the proposed amendment may result in an increase in program enrollment, potentially resulting in positive effects on a larger geographic scale.</td>
<td>Long term positive impacts to soil resources are expected to result from the existing Lake Erie Conservation Reserve Enhancement Program. Establishment of filter strips and buffer areas, wetlands, and field windbreaks are expected to reduce soil erosion and stabilize soils. Under the No Action Alternative the additional benefits to soil resources that are expected to result from the conservation practices proposed by the amendment, such as the targeting of escarpment areas, would not occur.</td>
</tr>
<tr>
<td>Resource</td>
<td>Proposed Action</td>
<td>No Action Alternative</td>
</tr>
<tr>
<td>---------------------</td>
<td>---------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Recreational Resources</td>
<td>Implementation of the Proposed Action is expected to have long term positive impacts on recreational resources such as hunting, fishing, and wildlife watching through improvements to water quality and restoration of wetlands and rare and declining habitat. If implementation of the proposed amendment resulted in an increase in acres enrolled in the program, positive impacts to recreational resources would be expected to occur on a larger geographic scale than under the No Action Alternative.</td>
<td>Long term positive impacts to recreational resources are expected to occur as a result of water quality and wildlife habitat improvements. Under the No Action Alternative the benefits of the additional conservation practices proposed by the amendment (including establishment of rare and declining habitat, permanent native vegetation, and wildlife habitat buffers) would not be realized.</td>
</tr>
</tbody>
</table>
## CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>EXECUTIVE SUMMARY</td>
<td>ES-1</td>
</tr>
<tr>
<td>1.0 PURPOSE AND NEED</td>
<td>1</td>
</tr>
<tr>
<td>1.1 Background</td>
<td>1</td>
</tr>
<tr>
<td>1.2 The Proposed Action</td>
<td>1</td>
</tr>
<tr>
<td>1.3 Purpose and Need</td>
<td>2</td>
</tr>
<tr>
<td>1.4 Regulatory Compliance</td>
<td>2</td>
</tr>
<tr>
<td>1.5 Organization of PEA</td>
<td>2</td>
</tr>
<tr>
<td>2.0 DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES</td>
<td>3</td>
</tr>
<tr>
<td>2.1 Proposed Action</td>
<td>3</td>
</tr>
<tr>
<td>2.2 No Action Alternative</td>
<td>4</td>
</tr>
<tr>
<td>2.3 Resources Eliminated from Analysis</td>
<td>4</td>
</tr>
<tr>
<td>3.0 AFFECTED ENVIRONMENT</td>
<td>5</td>
</tr>
<tr>
<td>3.1 Biological Resources</td>
<td>5</td>
</tr>
<tr>
<td>3.1.1 Definition of Resource</td>
<td>5</td>
</tr>
<tr>
<td>3.1.2 Affected Environment</td>
<td>5</td>
</tr>
<tr>
<td>3.2 Water Resources</td>
<td>6</td>
</tr>
<tr>
<td>3.2.1 Definition of Resource</td>
<td>6</td>
</tr>
<tr>
<td>3.2.2 Affected Environment</td>
<td>7</td>
</tr>
<tr>
<td>3.3 Soil Resources</td>
<td>8</td>
</tr>
<tr>
<td>3.3.1 Definition of Resource</td>
<td>8</td>
</tr>
<tr>
<td>3.3.2 Affected Environment</td>
<td>8</td>
</tr>
<tr>
<td>3.4 Recreation</td>
<td>10</td>
</tr>
<tr>
<td>3.4.1 Definition of Resource</td>
<td>10</td>
</tr>
<tr>
<td>3.4.2 Affected Environment</td>
<td>10</td>
</tr>
<tr>
<td>4.0 ENVIRONMENTAL CONSEQUENCES</td>
<td>11</td>
</tr>
<tr>
<td>4.1 Biological Resources</td>
<td>11</td>
</tr>
<tr>
<td>4.1.1 Level of Impact</td>
<td>11</td>
</tr>
<tr>
<td>4.1.2 Alternative A – Preferred Alternative</td>
<td>11</td>
</tr>
<tr>
<td>4.1.3 Alternative B – No Action Alternative</td>
<td>12</td>
</tr>
<tr>
<td>4.2 Water Resources</td>
<td>12</td>
</tr>
<tr>
<td>4.2.1 Level of Impact</td>
<td>12</td>
</tr>
<tr>
<td>4.2.2 Alternative A – Preferred Alternative</td>
<td>12</td>
</tr>
<tr>
<td>4.2.3 Alternative B – No Action Alternative</td>
<td>13</td>
</tr>
<tr>
<td>4.3 Soil Resources</td>
<td>13</td>
</tr>
<tr>
<td>4.3.1 Level of Impact</td>
<td>13</td>
</tr>
<tr>
<td>4.3.2 Alternative A – Preferred Alternative</td>
<td>13</td>
</tr>
<tr>
<td>4.3.3 Alternative B – No Action Alternative</td>
<td>14</td>
</tr>
<tr>
<td>4.4 Recreation</td>
<td>14</td>
</tr>
<tr>
<td>4.4.1 Level of Impact</td>
<td>14</td>
</tr>
<tr>
<td>4.4.2 Alternative A – Preferred Alternative</td>
<td>14</td>
</tr>
<tr>
<td>4.4.3 Alternative B – No Action Alternative</td>
<td>14</td>
</tr>
</tbody>
</table>
5.0 CUMULATIVE EFFECTS AND IRRETRIEVABLE COMMITMENT OF RESOURCES ........................................ 15
5.1 Cumulative Effects .............................................................................................................. 15
5.2 Irreversible and Irretrievable Commitment of Resources .............................................. 15
6.0 LIST OF PREPARERS ........................................................................................................ 17
7.0 PERSONS AND AGENCIES CONTACTED .................................................................. 19
8.0 REFERENCES ..................................................................................................................... 21
APPENDIX A: Amendment to LE CREP .............................................................................. 23
APPENDIX B: Conservation Practices .................................................................................. 41
APPENDIX C: Correspondence and Comments .................................................................. 45
## TABLES

<table>
<thead>
<tr>
<th>No.</th>
<th>Table</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Table ES-1</td>
<td>Summary of Environmental Consequences</td>
<td>2</td>
</tr>
<tr>
<td>2</td>
<td>Table 2-1</td>
<td>Summary of Components of the 2003 LE CREP Agreement and its Proposed Amendment</td>
<td>4</td>
</tr>
<tr>
<td>3</td>
<td>Table 3-1</td>
<td>Inpaired Waters by Watersheds in the LE CREP Area</td>
<td>9</td>
</tr>
</tbody>
</table>
## ACRONYMS AND ABBREVIATIONS

<table>
<thead>
<tr>
<th>Acronym or Abbreviation</th>
<th>Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amendment</td>
<td>Proposed Amendment to the Lake Erie Conservation Reserve Enhancement Program</td>
</tr>
<tr>
<td>CEQ</td>
<td>Council on Environmental Quality</td>
</tr>
<tr>
<td>CFR</td>
<td>Code of Federal Regulations</td>
</tr>
<tr>
<td>CP</td>
<td>conservation practice</td>
</tr>
<tr>
<td>CREP</td>
<td>Conservation Reserve Enhancement Program</td>
</tr>
<tr>
<td>CRP</td>
<td>Conservation Reserve Program</td>
</tr>
<tr>
<td>EPA</td>
<td>Environmental Protection Agency</td>
</tr>
<tr>
<td>FEMA</td>
<td>Federal Emergency Management Agency</td>
</tr>
<tr>
<td>FIRMS</td>
<td>flood insurance rate maps</td>
</tr>
<tr>
<td>FSA</td>
<td>Farm Service Agency</td>
</tr>
<tr>
<td>LE CREP</td>
<td>Lake Erie Conservation Reserve Enhancement Program</td>
</tr>
<tr>
<td>NEPA</td>
<td>National Environmental Policy Act</td>
</tr>
<tr>
<td>NRCS</td>
<td>Natural Resources Conservation Service</td>
</tr>
<tr>
<td>ODNR</td>
<td>Ohio Department of Natural Resources</td>
</tr>
<tr>
<td>PEA</td>
<td>Programmatic Environmental Assessment</td>
</tr>
<tr>
<td>USACE</td>
<td>U.S. Army Corps of Engineers</td>
</tr>
<tr>
<td>USDA</td>
<td>U.S. Department of Agriculture</td>
</tr>
<tr>
<td>USFWS</td>
<td>U.S. Fish and Wildlife Service</td>
</tr>
</tbody>
</table>
1.0 PURPOSE AND NEED

1.1 Background

The United States Department of Agriculture (USDA) Farm Service Agency (FSA) administers the Conservation Reserve Program (CRP), the Federal government’s largest private land environmental improvement program. CRP is a voluntary program that supports the implementation of long term conservation measures designed to improve the quality of ground and surface waters, control soil erosion, and enhance wildlife habitat on environmentally sensitive agricultural land.

The Conservation Reserve Enhancement Program (CREP) was established in 1997 under the authority of CRP to address agriculture related environmental issues by establishing conservation practices (CPs) on agricultural lands using funding from State, Tribal, and Federal governments as well as non-government sources. CREP addresses high priority conservation issues in defined geographic areas such as watersheds. Producers who enroll their eligible lands in CREP receive financial and technical assistance for establishing CPs on their land as well as annual rental payments. Once eligible lands are identified, site specific environmental reviews and consultation with and permitting from other Federal agencies are completed as appropriate.

1.2 The Proposed Action

FSA proposes to implement an amendment (Amendment) to the Lake Erie CREP Agreement for the State of Ohio (LE CREP). The LE CREP was proposed in 2003 (USDA 2003a) and a Programmatic Environmental Assessment (PEA), which evaluated the impacts of the program, Final Programmatic Environmental Assessment for the Implementation of the Conservation Reserve Enhancement Program for the Western Ohio Lake Erie Region (LE CREP PEA), was completed in March of 2005 (USDA 2005).

By the end of fiscal year 2005, only 23,953 acres had been enrolled in the LE CREP. In order to encourage additional enrollment and to meet its environmental improvement goals, an amendment to the LE CREP Agreement is proposed. The Amendment would make additional CPs available to program participants. These practices would be available on 67,000 acres in the same counties as the LE CREP. This document has been
prepared to analyze the potential environmental consequences associated with the additional CPs proposed by the Amendment.

### 1.3 Purpose and Need

The purpose of the proposed action is to implement an Amendment to the LE CREP. Under the Amendment, additional CPs would be made available to producers who enroll eligible farmland in CREP. The Amendment is needed to encourage enrollment to meet the 67,000 acre program goal and to address the CREP goals of improving water quality, controlling soil erosion, protecting wildlife habitat, and assisting the State in complying with environmental regulations that are related to agriculture.

### 1.4 Regulatory Compliance

This PEA is prepared to satisfy the requirements of the National Environmental Policy Act (NEPA; Public Law 91-190, 42 U.S. Code 4321 et seq.); implementing regulations adopted by the Council on Environmental Quality (CEQ; 40 Code of Federal Regulations [CFR] 1500-1508); and FSA implementing regulations, Environmental Quality and Related Environmental Concerns – Compliance with NEPA (7 CFR 799). The intent of NEPA is to protect, restore, and enhance the human environment through well informed Federal decisions. A variety of laws, regulations, and Executive Orders apply to actions undertaken by Federal agencies and form the basis of the analysis presented in this PEA.

### 1.5 Organization of PEA

This PEA assesses the potential impacts of the Proposed Action and the No Action Alternative on potentially affected environmental and economic resources. Chapter 1.0 provides background information relevant to the Proposed Action, and discusses its purpose and need. Chapter 2.0 describes the Proposed Action and alternatives. Chapter 3.0 describes the baseline conditions (i.e., the conditions against which potential impacts of the Proposed Action and alternatives are measured) for each of the potentially affected resources. Chapter 4.0 describes potential environmental consequences on these resources. Chapter 5.0 describes potential cumulative impacts and irreversible and irretrievable resource commitments. Chapter 6.0 lists the preparers of this document. Chapter 7.0 contains a list of the persons and agencies contacted during the preparation of this document and Chapter 8.0 contains references.
2.0 DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES

FSA proposes to implement an Amendment to Ohio’s LE CREP by making additional CPs available to participating producers. This change is proposed to maximize enrollment in CREP in order to meet the program’s goals. Only those activities proposed in the Amendment, the impacts of which were not analyzed in the LE CREP PEA (USDA 2005), are addressed in this PEA. Table 2-1 contains details of the LE CREP and those proposed in its Amendment.

2.1 Proposed Action

The Amendment does not propose change to the LE CREP area boundaries, acreage goals or funding. As with the LE CREP, the Amendment would enroll a maximum of 67,000 acres in the 27 counties in Ohio’s Lake Erie watersheds: Allen, Ashland, Auglaize, Crawford, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lorain, Lucas, Marion, Medina, Mercer, Ottawa, Paulding, Putnam, Richland, Sandusky, Seneca, Shelby, Van Wert, Williams, Wood, and Wyandot.

The Amendment would make additional CPs available for producers who enroll lands in the program. Those CPs proposed for implementation under the Amendment which were not proposed in the LE CREP are:

- CP1, Permanent Introduced Grasses & Legumes (Escarpment Only)
- CP2, Permanent Native Grasses (Escarpment Only)
- CP21A, Filter Strip (filter and recharge area)
- CP23A, Wetland Restoration (non-floodplain)
- CP25, Rare and Declining Habitat
- CP29, Marginal Pastureland Wildlife Habitat Buffer
- CP30, Marginal Pastureland Wetland Buffer

Descriptions of the CPs, as well as land eligibility criteria are available in the FSA Handbook: Agricultural Resource Conservation Program for State and County Offices (USDA 2003b). As with the LE CREP, preparation of lands for the establishment of CPs may include removal of existing vegetation; use of equipment to prepare lands; application of nutrients, minerals, seed and approved herbicides and pesticides; and restoration of local hydrology. No land preparation activities beyond those associated with the LE CREP are anticipated.
2.2 No Action Alternative

Under the No Action Alternative, the LE CREP would remain in place and the additional CPs proposed by its Amendment would not be made available to producers. The impacts of the LE CREP were assessed in a PEA completed in 2005 and are discussed in this PEA in order to provide a baseline against which the impacts of the Preferred Alternative can be assessed.

2.3 Resources Eliminated from Analysis

CEQ regulations (40 CFR §1501.7) state that the lead agency shall identify and eliminate from detailed study the issues which are not important or which have been covered by prior environmental review, narrowing the discussion of these issues in the document to a brief presentation of why they would not have a dramatic effect on the human or natural environment.

The Amendment proposes to make available additional CPs to participating producers. Because the Amendment does not include changes to funding level or geographic area, the Socioeconomic and Environmental Justice impacts of the proposed action would be the same as those resulting from the LE CREP. Cultural Resources and Air Quality are not expected to be impacted by the Amendment because it does not propose changes to land preparation techniques or additional acreage beyond the geographic area assessed by the LE CREP PEA (USDA 2005). In consideration of this and in accordance with these regulations, these resource areas have been eliminated from detailed analysis in this PEA.

| Table 2-1 Summary of Components of the 2003 LE CREP Agreement and its Proposed Amendment |
|-----------------------------------------------|-----------------------------------------------|
| Acreage                                      | No Change                                     |
| Geographic Area                              | No Change                                     |
| Conservation Practices                       |                                               |
| - CP3A, Hardwood Tree Planting               | Additional Conservation Practices              |
| - CP4D, Permanent Wildlife Habitat (non-easement) | o CP1, Permanent Introduced Grasses & Legumes (Escarpment Only) |
| - CP5A, Field Windbreak Establishment (non-easement) | o CP2, Permanent Native Grasses (Escarpment Only) |
| - CP21, Filter Strips                         | o CP21A, Filter Strip (filter and recharge area) |
| - CP22, Riparian Buffer                       | o CP23A, Wetland Restoration (non-floodplain)  |
| - CP23, Wetland Restoration                   | o CP25, Rare and Declining Habitat            |
| Funding                                      |                                               |
| State and Federal funding for incentives and rental payments as detailed in the Lake Erie CREP Agreement | No Change                                     |

Sources: 1 USDA 2003a, 2 USDA 2005, 3 USDA 2006
This chapter describes relevant existing environmental conditions for resources potentially affected by the proposed action. In compliance with guidelines contained in NEPA and CEQ regulations, the description of the affected environment focuses on those environmental resources potentially subject to impacts. Section 2.3 provides a discussion of those resources which have been eliminated from detailed analysis in this PEA.

3.1 Biological Resources

3.1.1 Definition of Resource

Biological resources include plant and animal species and the habitats in which they occur. For this analysis, biological resources are divided into the following categories: vegetation; wildlife; and protected species including threatened, endangered, and sensitive species and their designated critical habitat.

3.1.2 Affected Environment

Vegetation

Ohio lies within the Eastern Broadleaf Forest Province (Bailey 1995). Its northwestern counties, which drain into Lake Erie, historically supported a variety of vegetative communities including beech forests, maple-birch-beech forests and elm-ash swamps. Today, much of the native vegetation has been cleared and extensive crop and livestock production and urban and industrial development characterize the area (EPA 2006a). A detailed description of the vegetation of the area including lists of commonly occurring species is found in Section 3.1.3 of the LE CREP PEA.

Wildlife

The Ohio Department of Natural Resources Division of Wildlife provides management oversight to wildlife species in Ohio including land acquisition and management, harvest regulations and licensing, and research. Among the more common wildlife species that are hunted or considered watchable wildlife in the CREP area are: the American Crow, Bald Eagle, beaver, Bobolink, Canada Goose, cottontail rabbit, coyote, Eastern Meadowlark, Field Sparrow, Grasshopper Sparrow, Mourning Dove, opossum, raccoon, red fox, Ring Necked Pheasant, skunk, and Willow Flycatcher (Ohio Department of Natural Resources [ODNR] 2006a). Section 3.1.3 of the LE CREP EA provides additional discussion on the area’s wildlife.
Protected Species

For this analysis, protected species include those designated by the U.S. Fish and Wildlife Service as threatened or endangered and their critical habitats as defined by the Endangered Species Act. Section 3.1.3 of the LE CREP PEA provides detailed descriptions of the Federally listed threatened and endangered animals of the area. These include Indiana bat, Bald Eagle, Piping Plover, Lake Erie water snake, copperbelly water snake, clubshell, Northern riffleshell, white cat’s paw pearlymussel and Karner blue butterfly. There is designated critical habitat for the Piping Plover in the CREP area. Additionally, there are two threatened plant species: Eastern prairie fringed orchid (*Platanthera leucophaea*) and lakeside daisy (*Hymenoxys herbacea*) (USFWS 2006a).

The Eastern prairie fringed orchid historically occurred in a variety of habitats including mesic prairies and wetlands. It is in decline due to loss of its habitat and competition from non-native species (USFWS 2006b). The lakeside daisy is a plant of prairie grassland underlain by limestone. The primary threat to this species is loss of habitat to limestone quarrying (USFWS 2006c).

3.2 Water Resources

3.2.1 Definition of Resource

For this analysis, water resources include surface water, wetlands, and floodplains. The Clean Water Act, the Safe Drinking Water Act, and the Water Quality Act are the primary Federal laws that protect the nation’s waters including lakes, rivers, and wetlands.

Surface water includes streams, rivers, and reservoirs. Impaired waters are defined by EPA as those surface waters with levels of pollutants that exceed State water quality standards (EPA 2006b). Every two years, States must publish lists, called the 303(d) lists, of those rivers, streams and lakes that do not meet their designated uses because of excess pollutants.

Wetlands are defined by the U.S. Army Corps of Engineers (USACE) as areas that are characterized by a prevalence of vegetation adapted to saturated soil conditions. Wetlands can be associated with groundwater or surface water and are identified based on specific soil, hydrology, and vegetation criteria defined by USACE (USACE 1987).
Floodplains are defined by the Federal Emergency Management Agency (FEMA) as those areas that are subject to inundation by a “100-year” flood, a flood that has a 1 percent chance of being equaled or exceeded in any given year. Federal agencies are required to avoid, to the extent possible, adverse impacts associated with the occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development.

3.2.2 Affected Environment

Surface Water
Surface waters affected in the LE CREP region were identified in the LE CREP PEA and include the following watersheds: Auglaize, Black-Rocky, Blanchard, Cedar-Portage, Huron-Vermilion, Lake Erie, Lower Maumee, Ottawa-Stony, Raisin, Sandusky, St. Joseph, St. Marys, Tiffin, and Upper Maumee. The watersheds comprise approximately 7,040,832 acres. For figures showing the boundaries of these watersheds and the acreages of each, see Section 1.2 of the LE CREP PEA.

Since the preparation of the LE CREP PEA, the list of impaired waters has been updated. Table 3-1 shows the total number of impairments as well as the type of impairment for each watershed. The highlighted cells show the impairments that have changed since completion of the LE CREP PEA (EPA 2004).

Wetlands
According to the ODNR, there are approximately 315,996.50 acres of wetlands in the counties of the CREP region. For the acreages of wetlands within each county, refer to Section 3.3.3 of the LE CREP PEA. Types of wetlands include: Woods Hydric, Open Water, Shallow Marsh, Shrub Scrub, Wet Meadow, and Farmed Wetland (ODNR 1999).

Floodplains
In accordance with EO 11988, Federal agencies must review FEMA flood insurance rate maps (FIRMs) or other available floodplain maps to determine whether a proposed action is located or will impact 100-year floodplains. FIRMs are generally developed for developed and densely populated areas with flood potential and are not available for much of the CREP area. Currently only Cuyahoga and Medina counties are mapped.
Additional floodplain studies and maps of the remaining counties in the CREP project area may be available at the Ohio Soil and Water Conservation Commission, Ohio DNR - Geographic Information Management Systems, or town planning offices. Soil survey maps, aerial photography, and topographical maps may also be consulted where no floodplain maps are available.

### 3.3 Soil Resources

#### 3.3.1 Definition of Resource

Soil resources include the topography of the terrain as well as the characteristics of the soils.

#### 3.3.2 Affected Environment

The LE CREP area lies in portions of three of Ohio’s five physiographic regions. In each of these the topography is generally flat. The Lake Plains Region, which borders Lake Erie coast, was once the bottom of an ancient lake and is thus extremely flat. The shore of Lake Erie is characterized by dunes and ridges resulting from changes in water levels. The Till Plain Region, which encompasses most of the western half of Ohio to its border with Indiana, is characterized by rolling topography created by glacial moraines. Bogs, kettle lakes and small hills mark the Glaciated Appalachian Plateau Region (ODNR 2006b).

The soils of the area are glacial in origin and lie in five soil regions, named for the most common soils series in each area (ODNR 2006c). A map depicting the distributions of these soil regions is found in Appendix F of the LE CREP PEA. Soils of the Hoytville-Nappanee-Paulding-Toledo region are generally fine, very deep and range from somewhat poorly to very poorly drained. The Conotton-Conneaut-Allis series are fine, fine-silty, and loamy, are moderately to very deep and poorly drained. Soils of the Blount-Pewamo-Glynwood region are fine, very deep and range from somewhat to very poorly drained. Bennington-Cardington-Centerburg soils are fine, very deep and moderately well drained. Mahoning-Canfeld-Rittman-Chili soils are fine to loamy, very deep and moderately to well drained (NRCS 2006).
## Table 3-1 In impaired Waters by Watersheds in the LE CREP Area

<table>
<thead>
<tr>
<th>Watershed</th>
<th>Total Number of Impairments</th>
<th>General Impairment Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auglaize</td>
<td>55</td>
<td></td>
</tr>
<tr>
<td>Black-Rocky</td>
<td>36</td>
<td></td>
</tr>
<tr>
<td>Blanchard</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>Cedar-Portage</td>
<td>24</td>
<td></td>
</tr>
<tr>
<td>Huron-Vermilion</td>
<td>29</td>
<td></td>
</tr>
<tr>
<td>Lake Erie</td>
<td>*</td>
<td></td>
</tr>
<tr>
<td>Lower Maume</td>
<td>32</td>
<td></td>
</tr>
<tr>
<td>Ottawa-Stony</td>
<td>34</td>
<td></td>
</tr>
<tr>
<td>Raisin</td>
<td>*</td>
<td></td>
</tr>
<tr>
<td>Sandusky</td>
<td>48</td>
<td></td>
</tr>
<tr>
<td>St. Joseph</td>
<td>61</td>
<td></td>
</tr>
<tr>
<td>St. Marys</td>
<td>37</td>
<td></td>
</tr>
<tr>
<td>Tiffin</td>
<td>26</td>
<td></td>
</tr>
<tr>
<td>Upper Maumee</td>
<td>47</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Watershed</th>
<th>Total Number of Impairments</th>
<th>General Impairment Name</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total Number of Impairments</td>
<td>General Impairment Name</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Watershed</th>
<th>Total Number of Impairments</th>
<th>General Impairment Name</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total Number of Impairments</td>
<td>General Impairment Name</td>
</tr>
</tbody>
</table>

*Number of Impairments are not available
** Includes pesticides
Source: EPA 2004
3.4  Recreation

3.4.1  Definition of Resource
Recreational resources are those activities or settings either natural or manmade that are
designated or available for recreational use by the public. In this analysis, recreational
resources include lands and waters utilized by the public for hunting, fishing, and wildlife
viewing.

3.4.2  Affected Environment
There are numerous recreational activities available within the CREP area to include 11
state parks, 2 state forests, and 17 preserves. In addition, the Sandusky, Maumee, and
Chagrin Rivers are included in the State’s Scenic Rivers Program. Recreational activities
available include boating, hiking, wildlife viewing, fishing, and hunting. For a map of
these recreational areas, refer to the LE CREP PEA.
4.0 ENVIRONMENTAL CONSEQUENCES

4.1 Biological Resources

4.1.1 Level of Impact

Impacts to biological resources would be considered significant if implementation of the Amendment resulted in reducing wildlife populations to a level of concern, removing lands with unique vegetation characteristics, or incidental take of protected species or their habitat.

4.1.2 Alternative A – Preferred Alternative

Implementation of the Amendment is expected to result in long term positive impacts to vegetation, wildlife, and protected species beyond those resulting from the LE CREP. The Amendment is proposed to increase enrollment in CREP to its 67,000 acre goal. All biological resources would benefit from an increase in the acreage of lands enrolled in CREP. Each of the proposed CPs is expected to result in increased vegetation species diversity and the re-establishment of native vegetative communities on enrolled land. Wildlife and protected species are expected to benefit from these habitat improvements.

Establishment of native grasses (CP2), wetland restoration (CP23A), and the reestablishment of rare and declining habitat (CP25) would restore the natural vegetation and vegetative communities in the CREP area that have been lost to agricultural development. These practices would benefit wildlife and protected species by converting agricultural land into habitat. Establishing wetland buffers adjacent to marginal pastureland (CP30) would protect existing and newly established wetlands from runoff of sediment, organic wastes and other pollutants. This practice as well as others designed to reduce sedimentation and filter runoff (CP21A, CP29) would benefit wildlife and protected species by stabilizing soils and improving water quality.

All Federally protected species could benefit from the restoration of their rare and declining habitats (CP25). The Eastern prairie fringed orchid and the lakeside daisy could also benefit from the restoration of habitats realized through the establishment of permanent native grasses (CP2) and wetland restoration (CP23A). The improvements to water quality that are expected to result from implementation of the Amendment (see section 4.2 of this report for a discussion of impacts to water quality) would directly benefit the threatened and endangered mollusks and snakes that potentially occur in the
CREP area. Foraging habitat for Bald Eagles, Piping Plovers, and Indiana bats are also expected to be improved by benefits to water quality.

4.1.3 Alternative B – No Action Alternative

If the proposed Amendment were not implemented the additional CPs it proposes would not be available to producers. This could result in fewer than the maximum number of acres being enrolled in CREP. Under the No Action Alternative, producers could still enroll their lands in CREP but only in those CPs originally proposed by the LE CREP (see Table 2-1). Long term positive impacts to biological resources including vegetation, wildlife and protected species would occur as a result of the CPs proposed in the original LE CREP but the additional benefits of restoration of natural habitats (CP2, CP23A, CP25) would not be recognized.

4.2 Water Resources

4.2.1 Level of Impact

Impacts to water resources would be considered significant if implementation of the proposed Amendment resulted in changes to water quality, threatened or damaged unique hydrologic characteristics, or violated established laws or regulations.

4.2.2 Alternative A – Preferred Alternative

Implementation of the Preferred Alternative would have long term positive effects on surface water, wetlands, and floodplains. Activities such as vegetation clearing and soil disturbances, which may occur during the installation of CPs, could result in temporary and minor localized negative impacts to water quality from runoff associated with these activities. The use of filter fencing or similar best management practices would reduce or eliminate these impacts.

The CPs proposed under the Amendment, as well as those analyzed in the LE CREP PEA, are designed to improve surface water quality. Establishing grasses (CP1 and CP2) would stabilize soils and reduce soil erosion and the runoff of nutrients and chemicals associated with agriculture. The establishment of filter strips (CP21A) and restoring wetlands (CP23A) adjacent to watercourses would stabilize stream banks and provide areas for retention of sediment and nutrient runoff from adjacent lands. Additionally, a reduction in the use of fertilizers and pesticides is expected to occur as a result of...
removing eligible lands from agricultural production, reducing nitrogen, phosphorous, and other agricultural chemicals in runoff.

Implementation of the proposed CP23A (wetland restoration) is expected to increase wetland acreage in the CREP area resulting in the containment of sediments and nutrients from runoff and reduction in stream bank destabilization. Additionally, wetlands provide valuable wildlife habitat. The positive impacts of restoring wetlands on wildlife and aquatic species are discussed in Section 4.1, Biological Resources.

Minor improvements in floodplain areas and stream profiles would occur from implementation of CP23A (wetland restoration) which would increase floodwater storage capacity. CPs that involve construction activities, substantial earth movement, diking, or other means of altering the flowage area would need to be reviewed and appropriate public notice provided. Applicable development permits must be obtained from local authorities prior to construction activities within a floodplain.

4.2.3 Alternative B – No Action Alternative

Under the No Action Alternative, the additional CPs proposed under the Amendment would not be implemented. Eligible lands within the CREP area could still be enrolled in the program and CPs analyzed in the LE CREP PEA could be implemented. As analyzed in the LE CREP PEA, these CPs would result in improved water quality.

4.3 Soil Resources

4.3.1 Level of Impact

Impacts to soil resources would be considered significant if implementation of the Amendment resulted in increased erosion or affected unique topographical or soil conditions.

4.3.2 Alternative A – Preferred Alternative

Implementation of the Amendment is expected to result in long term positive impacts to topography and soil resources similar to those described in section 4.4.1 of the LE CREP PEA (USDA 2005) including stabilizing soils and reducing erosion by wind and water. In addition to those benefits, the targeting of escarpment areas for CP1 and CP2 and the availability of buffer areas and filter strips (CP21A, CP29, CP30) would provide the benefits of stabilizing topography and reducing soil loss beyond those CPs currently
available in the LE CREP (see Table 2-1). As described in section 4.4.1 of LE CREP PEA temporary minor impacts to soils could occur during ground disturbing activities associated with the installation of CPs. However, these impacts are not expected to differ from those that could occur as a result of the establishment of currently available CPs or from agriculture-related ground disturbing activities that could be occurring on lands eligible for enrollment in CREP.

4.3.3 Alternative B – No Action Alternative

Under the No Action Alternative, producers could still enroll their lands in CREP but only in those CPs originally proposed by the LE CREP (see table 2-1). Long term positive impacts to soil resources would occur as a result of the CPs proposed in the original LE CREP (USDA 2003a) but the additional benefits of targeting escarpment areas (CP1, CP2) and establishing filter strips and buffers (CP21A, CP29, CP30) would not be recognized. If the proposed Amendment were not implemented the additional CPs it proposes would not be available to producers, potentially resulting in less than the maximum number of acres being enrolled in CREP.

4.4 Recreation

4.4.1 Level of Impact

Impacts to recreation would be considered significant if they drastically increased, reduced or removed available public lands designated for recreation or significantly degraded other aspects of recreation. Impacts to environmental conditions such as water or biological resources within or near public recreational land in such a way to affect its use would also be considered significant.

4.4.2 Alternative A – Preferred Alternative

Implementation of the Preferred Alternative would have a positive long term impact on recreational resources by increasing hunting, fishing and watchable wildlife species. An increase in water quality would allow for an improvement in habitat conditions for aquatic species that in turn will increase populations of game fish.

4.4.3 Alternative B – No Action Alternative

Under the No Action Alternative, additional CPs proposed in the Amendment would not be available. Eligible lands could still be enrolled in those CPs defined in the LE CREP PEA which would improve water quality and enhance wildlife habitat in the area.
5.0 CUMULATIVE EFFECTS AND IRRETRIEVABLE COMMITMENT OF RESOURCES

5.1 Cumulative Effects

CEQ regulations stipulate that the cumulative effects analysis consider the potential environmental impacts resulting from “the incremental impacts of the action when added to other past, present and reasonably foreseeable actions regardless of what agency or person undertakes such other actions.” Cumulative effects most likely arise when a relationship exists between a Proposed Action and other actions expected to occur in a similar location or during a similar time period. Actions overlapping with or in proximity to the Proposed Action would be expected to have more potential for a relationship than those more geographically separated. Similarly, actions that coincide, even partially, in time tend to have potential for cumulative effects.

The Amendment to the LE CREP proposes only to make additional CPs available to producers participating in the program. The Amendment does not affect lands beyond those analyzed in the 2005 LE CREP PEA. Section 5.1 of that document describes the Federal programs designed to prevent degradation of natural resources including the Wildlife Habitat Incentives Program, Grassland Reserve Program, Environmental Quality Incentives Program, Farm and Ranch Lands Protection Program, Grazing Lands Conservation Initiative and Wetlands Reserve Program. The analysis concludes that: the proposed action, when considered with these past, present and reasonably foreseeable actions, is expected to result in positive impacts to the biological, water, soil, and recreational resources of the CREP area (USDA 2005).

5.2 Irreversible and Irretrievable Commitment of Resources

Irreversible and irretrievable resource commitments are related to the use of nonrenewable resources and the effect that the use of these resources has on future generations. Irreversible effects primarily result from the use or destruction of a specific resource that can be replaced within a reasonable time frame. Irretrievable resource commitments involve the loss in value of an affected resource that cannot be restored as a result of the action. Section 5.2 of the LE CREP PE describes the potential loss of agricultural land as an irretrievable commitment of resources. No additional
commitments of such resources are expected to result from the implementation of the proposed Amendment.
### LIST OF PREPARERS

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Education</th>
<th>Experience</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dana Banwart</td>
<td>Project Manager</td>
<td>B.S., Biology, Mary Washington College, 1998</td>
<td>7</td>
</tr>
<tr>
<td>David Brown</td>
<td>Production Manager</td>
<td>Business Software Certificate, Los Angeles City College, 1985</td>
<td>19</td>
</tr>
<tr>
<td>Elizabeth Pruitt</td>
<td>Senior Project Manager</td>
<td>M.S., Biological Sciences, Old Dominion University, 1996</td>
<td>10</td>
</tr>
</tbody>
</table>
## 7.0 PERSONS AND AGENCIES CONTACTED

<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Todd Brace</td>
<td>U.S. Department of Agriculture</td>
</tr>
<tr>
<td>Jerry Hines</td>
<td>U.S. Department of Agriculture</td>
</tr>
<tr>
<td>Mary Knapp</td>
<td>U.S. Fish and Wildlife Service, Ohio Field Office</td>
</tr>
<tr>
<td>Matthew Ponish</td>
<td>U.S. Department of Agriculture</td>
</tr>
<tr>
<td>Kathleen Schamel</td>
<td>U.S. Department of Agriculture</td>
</tr>
</tbody>
</table>
8.0 REFERENCES


APPENDIX A: Amendment to LE CREP
AMENDMENT #3 TO THE LAKE ERIE
CONSERVATION RESERVE ENHANCEMENT PROGRAM
AGREEMENT

BETWEEN THE U.S. DEPARTMENT OF AGRICULTURE,

THE COMMODITY CREDIT CORPORATION

AND

THE STATE OF OHIO

The purpose of this amendment to the agreement between the U.S. Department of Agriculture, the Commodity Credit Corporation, and the State of Ohio is to enhance the Lake Erie Conservation Reserve Enhancement Program Project and increase environmental benefits dated April 20, 2000

Section I. PURPOSE, is amended to read:

The purpose of this Agreement is to allow, where deemed desirable by USDA, CCC, and Ohio, certain acreage in the targeted watersheds to be enrolled in the CRP under the Ohio Lake Erie (LE) CREP.

The general goals for the Ohio Lake Erie CREP are: to significantly reduce the amount of sediment and nutrients entering the targeted watersheds from agricultural sources through a voluntary, incentive-based program; to assist Ohio in achieving the sediment and nutrient reduction goals for agriculture in the targeted area; to significantly reduce the amount of sediment and nutrients entering those watersheds; to reduce flooding severity and intensity; and to enhance wildlife habitat.

All or part of 27 Northwestern Ohio counties in the Lake Erie watershed are included in this CREP (Exhibit A). This area is known to contribute a high level of sediments and nutrients to the Western Basin of Lake Erie and its tributaries due to intensive cultivation and other agricultural activities. The entire LE CREP target area is within the FSA designated CRP Great Lakes National Conservation Priority Area (CPA).

The primary goals of this Agreement are to achieve through financial and technical assistance, to the extent practicable, the following:

Provide an opportunity for eligible producers in the targeted watersheds to voluntarily establish up to 67,000 acres of:
• Riparian area practices
• Hardwood tree plantings
• Wildlife habitat enhancement practices
• Field windbreaks
• Wetland area practices
• Filter and recharge area practices
• Certain escarpment area practices
• Restoration of rare and declining habitat

The specific objectives of this Agreement are to achieve, to the extent practicable, the following:

• Reduce sediment loading to Western Lake Erie by 825,000 metric tons over ten years.

• Improve water quality and wildlife habitat by enrolling 5,000 linear miles of streams in buffer practices.

• Reduce phosphorus loading by 20% upon reaching enrollment goals.

• Restore 6,000 acres of wetlands to improve water quality, reduce flooding, and restore wildlife habitat.

• Enhance targeted wildlife habitats (riparian, oak openings, hardwood tree planting, and wetlands) by at least 10% to benefit neo-tropical migrant birds, migratory waterfowl, state and federally listed threatened and endangered species, grassland birds and other wildlife.

This Agreement is not intended to supersede any rules or regulations, which have been, or may be, promulgated by USDA, CCC, Ohio, or any other governmental entity participating in this Ohio Lake Erie CREP. This Agreement is intended to aid in the administration of the Conservation Reserve Program (CRP).

Section II. AUTHORITY is amended to read:

A. Federal

The USDA is provided the statutory authority to perform the activities contemplated by this Agreement by the provisions of the Food Security Act of 1985, as amended (1985 Act) (16 U.S.C. 3830 et seq.), and the regulations at 7 CFR part 1410. The relevant legislation authorizes new enrollments through December 31, 2007. This agreement will provide for enrollment of CRP contracts under this CREP until that deadline, or the 67,000 acre enrollment target is reached, whichever comes first. Other authorities may also apply.
B. State

Various participating agencies of the State of Ohio are provided the statutory authority to perform all activity contemplated by this Agreement by the provisions of the Ohio Revised Code Chapter 1515, and Sections 126.07 and 1501.02 of the Ohio Revised Code. Other authorities may also apply.

Section III. PROGRAM ELEMENTS is amended to read as follows:

USDA, CCC, and Ohio agree that:

A. The Ohio Lake Erie CREP will consist of a continuous sign-up CRP component and a State of Ohio Incentive Program. The Ohio Lake Erie CREP will enroll no more than 67,000 acres in the CRP State Incentive Program.

B. Eligible cropland and eligible marginal pastureland may be, on a continuous basis, enrolled in the Ohio Lake Erie CREP if they meet land eligibility criteria, and conservation practice criteria, according to FSA CRP National Directives and the terms of this Agreement.

C. Conservation plans for the land enrolled in the CRP under the Ohio Lake Erie CREP shall meet criteria of the CRP regulations and FSA CRP National Directives. The eligibility criteria described in this paragraph shall be used to determine which lands may be enrolled in the CRP under the Ohio Lake Erie CREP. For the purposes of this CREP, only the following CRP practices are available:

- CP1 Establishment of Permanent Introduced Grasses and Legumes (Escarpelement and Filter & Recharge Areas only) (1,500 acre goal)
- CP2 Establishment of Permanent Native Grasses (Escarpelement and Filter & Recharge Areas only) (510 acre goal)
- CP3A Hardwood Tree Planting (Escarpelement and Riparian Zones only) (1,175 acre goal)
- CP4D Permanent Wildlife Habitat (1,113 acre goal)
- CP5A Field Windbreak Establishment (4,293 acre goal)
- CP21 Filter Strips (12,300 acre warm season grass (WSG) goal)
- CP21 Filter Strips (32,298 acre cool season grass (CSG) goal)
- CP22 Riparian Buffer (5,700 acre goal) (Cropland and Marginal Pastureland)
- CP23 Wetland Restoration (4,361 acre goal)
- CP23A Wetland Restoration, Non-Floodplain (1,500 acre goal)
- CP25 Rare and Declining Habitat (1,500 acre goal)
• CP29 Marginal Pastureland Wildlife Habitat Buffer (500 acres)
• CP30 Marginal Pastureland Wetland Buffer (250 acres)

(Exhibit B provides current and future enrollment goals by practice).

1. Eligible Cropland – Riparian Areas

For this CREP, certain practices are available for riparian areas and drainage ditches provided the cropland is immediately adjacent to a stream or river or eligible drainage ditches and provided the practices are otherwise in accordance with CRP National Directives and additional requirements indicated under the terms of this Agreement. An eligible drainage ditch is defined as having a minimum bottom width of 3 feet, and a minimum side slope ratio of 2 feet to 1 foot.

Available cropland riparian area practices are:

• CP3A
• CP4D
• CP21
• CP22

2. Eligible Marginal Pastureland – Riparian Areas

The following practices are available for riparian areas and eligible drainage ditches provided the marginal pastureland is immediately adjacent to a stream or river or eligible drainage ditch and is otherwise eligible in accordance with FSA CRP National Directives and additional requirements provided under the terms of this Agreement. An eligible drainage ditch is defined as having a minimum bottom width of 3 feet, and a minimum side slope ratio of 2 feet to 1 foot.

Available marginal pastureland riparian area practices are:

• CP22
• CP29

3. Additional Eligibility Criteria for all Riparian Area CREP Practices

In addition to meeting land and practice eligibility requirements according to FSA CRP National Directives, eligible cropland and marginal pastureland may only be enrolled under this CREP if:

• Cropland and marginal pastureland practices enrollments are limited to a maximum average width of 300 feet.
• Cropland enrollments exceeding an average width of 150 feet up to a maximum average width of 300 feet are, in total, comprised of greater than 50 percent alluvial floodplain soils as determined by CCC.

4. Eligible Cropland in Escarpment Areas

Eligible cropland may be enrolled in the following practices:

• CP1
• CP2
• CP3A

Provided, the land is both determined by CCC to be located within an escarpment area, and meets at least one of the following criteria:

• “C” or steeper slope class for the predominant soil;
• “B” or steeper slope class with a “2” erosion designation for the predominant soil;
• “B” or steeper slope class with a 4% or greater slope for the predominant soil; or
• Area is identified by the “escarpment symbol” in the official NRCS soil survey legend.

Note: For this CREP, an “escarpment area” is a geologic land form that is a steep slope separating two comparatively level surfaces.

Additional Escarpment Area Eligibility Provision Requirements are:

• All practices are limited to a maximum average width of 350 feet;
• All enrollments are limited to, as part of the practice, not more than 10 feet upslope and/or 10 feet down-slope from the escarpment;
• All practices must be either adjacent to a riparian area or a 100-year floodplain (as defined by FEMA maps or soil survey alluvial soil maps as determined by CCC); and
• All practices must be located within a State or National CRP Conservation Priority Area.

5. Eligible Cropland in Filter and Recharge Areas

The following practices shall be available for eligible filter and recharge areas:

• CP1
• CP2
Eligible filter and recharge areas are those as determined by CCC with upland cropland filter areas where substantial sheet flow accumulates in or leaves cropped fields; or where concentrated flow, (i.e., gathered surface flow), leaves a cropped field; or where surface flow enters a watercourse via a concentrated drainage way, drop structure, culvert or subsurface drain (tile) inlet.

Additional Filter and Recharge Area eligibility provision requirements are that the filter and recharge areas must meet all of the following to be eligible, as determined by CCC:

- The site must have concentrated flow areas (carrying suspended sediment).
- The site must have sheet and/or rill erosion areas.
- All practices shall be limited to a minimum enrollment of 100 feet by 100 feet; and
- Maximum enrollment for all practices is the smaller of:
  - 4 acres
  - Maximum allowed under the contributing area/filter area table as determined by CCC.

6. Eligible Cropland – Targeted Rare and Declining Habitat Acres

For this CREP, practice CP25 is available provided the cropland is eligible according to FSA CRP National Directives, State FSA CP25 Practice Standard Requirements, and this Agreement, in all of the following counties:

- Lucas
- Fulton
- Henry

Note: Ohio CP25 includes some wetland restoration practice measures as necessary per State FSA CP25 Practice Standard Requirements on appropriate sites — these restoration requirements shall apply to CP25 practices on appropriate sites under this CREP as determined applicable by CCC.

7. Eligible Cropland – Wetland Restoration Areas

The following practices shall be available for enrollment for cropland sites suitable for wetland restoration as determined by CCC:

- CP23
- CP23A

Eligible wetland restoration practice sites for CP23 and CP23A are sites that are eligible according to FSA CRP National Directives and include either of the following:

- Greater than 50 percent hydric soils
- Non-hydric soils comprised of greater than 50 percent hydric soil inclusions
Note: In order to be eligible, enrollment of lands in CP23 or CP23A must also help address soil erosion and/or filtering of water associated with field runoff as determined by CCC.

8. Eligible Marginal Pastureland Practices – Wetland Areas

Practice CP30 is available for enrollment for areas designated as wetland areas as determined by CCC, in accordance with FSA CRP National Directives.

9. No acreage may be enrolled under or per contract unless it equals or exceeds 0.1 acre.

D. The following criteria shall apply to the Ohio Lake Erie CREP State Incentive Program and to the relationship between it and CRP; CRP lands may be enrolled in the Ohio Lake Erie CREP State Incentive Program if:

1. The eligible producer enters the State program in accordance with Section V. of this Agreement, and

2. The eligible land is enrolled in any of the following practices:
   - CP3A
   - CP22
   - CP23
   - CP23A
   - CP25
   - CP30 (only if for the purpose of restoring hydrology of the site to the extent practicable)

E. CRP contracts executed under this Agreement will be administered in accordance with the CRP regulations at 7 CFR part 1410, and the provisions of this Agreement and any conditions required by the CCC.

F. Eligible producers will not be denied the opportunity to offer eligible acreage for enrollment into the CRP during general or continuous CRP enrollment periods.

G. No lands may be enrolled under the revised LE CREP until the USDA CREP Program Manager approves a detailed LE CREP Supplement to FSA CRP National Directives which will provide a thorough description of this program and applicable practices.

H. The continuous sign-up CRP contracts for acres enrolled in this CREP will be for a minimum of 14 years, but may not exceed a maximum of 15 years.
Section IV FEDERAL COMMITMENTS is amended to read:

Subject to the availability of funds and statutory limitations USDA and CCC agree to:

A. Determine producer eligibility for participation in the CRP under the Ohio Lake Erie CREP consistent with the CRP regulations, and administer those CRP contracts that are executed.

B. Consistent with the CRP regulations and FSA CRP National Directives, pay 50 percent of the eligible reimbursable costs of approved CRP conservation practices. Cost share reimbursements to participants from all sources may not exceed 100 percent of the

C. On a continuous basis through December 31, 2007, enroll land that meet the eligibility criteria set forth in the CRP regulations at 7 CFR Part 1410 and this Agreement.

D. Make annual rental payments otherwise applicable to the land under the CRP contract according to FSA National Directives, plus incentive payments and maintenance payments as provided in paragraphs F, G, H, I, and J, respectively, of this section. For marginal pastureland, the base rental rates for cropland will be used. No other incentive payments shall be included in the calculation of the annual rental payment. All such incentive and maintenance payments shall be considered rental payments for payment limitation purposes.

E. As part of the annual rental payment, make incentive payments as a percentage of the weighted average soil rental rate based on the three predominate soils offered, in an amount equal to:

1. For cropland enrolled in the following practices, 55 percent:
   - CP1
   - CP4D
   - CP21 (cool season grasses)

2. For cropland enrolled in the following practices, 75 percent:
   - CP2
   - CP4D
   - CP21 (warm season grasses)

3. For marginal pastureland enrolled to the following practice, 75 percent:
   - CP29

4. For eligible lands devoted to wetland restoration, 100 percent:
   - CP23
   - CP23A
   - CP30
5. For cropland devoted to the following practices, 125 percent:
   - CP3A
   - CP5A
   - CP22
   - CP25

6. For marginal pastureland devoted to the following practice, 125 percent:
   - CP22

F. As part of the annual rental payment, make a maintenance payment according to FSA CRP National Directives.

G. Consistent with FSA CRP National Directives make up to a 50 percent cost-share for mid-contract management practices, as determined by CCC.

H. Make a one-time Signing Incentive Payment (SIP), for the same CRP practices as listed in and in accordance with FSA CRP National Directives. SIP allowances will be considered to be, and treated as, a rental payment for payment limitation purposes.

I. Make a one-time Practice Incentive Payment (PIP), for the same CRP practices as listed in and in accordance with FSA CRP National Directives. This payment will be considered a rental payment for payment limitation purposes.

J. For acreage enrolled in practice CP23 or CP23A, make as an additional rental payment, a one-time incentive payment equal to 25 percent of the eligible reimbursable cost of restoring the hydrology of the site. This is the only one-time payment to be made to eligible participants who install CP23 or CP23A wetland restoration, and supersedes any other one-time incentive payment offered for this practice other than those provided for in F and G of this section. This payment will be considered to be, and treated as, a rental payment for payment limitation purposes.

K. Work cooperatively with the State and producers in the development and review of conservation plans for land accepted for enrollment in the CRP under the Ohio Lake Erie CREP.

L. Conduct normal annual compliance reviews to ensure compliance with the CRP contract.

M. In cooperation with Ohio, provide information to producers concerning the Ohio Lake Erie CREP and technical assistance for implementing the Ohio Lake Erie CREP.

N. Permit successors-in-interest to contracts enrolled under the Ohio Lake Erie CREP in the same manner as allowed for other CRP contracts.
Section V. STATE COMMITMENTS is amended to read:

Ohio agrees to:

A. Seek eligible producers willing to offer eligible and appropriate land for enrollment in the Ohio Lake Erie CREP.

B. Enter into a separate agreement with participants to qualify them for the State Incentive Program under the terms of this Agreement. The State Incentive Program will extend the period of conservation and environmental benefits of applicable CRP practices as indicated below for an additional 15 years beginning at the end of the CRP contract period for all participants who choose the State Incentive Program:

- CP3A
- CP22
- CP23
- CP23A
- CP25
- CP30

C. Make a one-time $500 per acre incentive payment to all CREP participants voluntarily participating in the State Incentive Program and the Ohio Lake Erie CREP, pursuant to paragraph B of this section. The one-time payment shall be made after Ohio has been notified by the applicable FSA county office of CRP contract approval.

D. Make, with either State or private CREP partner funding, a one-time payment of up to $40 per acre issued through the Ohio Department of Natural Resources, Division of Wildlife), to participants, provided that warm season grasses are planted in one or more of the following practices:

- CP2
- CP4D
- CP21
- CP25
- CP29
- CP30

Additional incentives may also be provided directly to participants for installation of warm season grasses by the State or other CREP partners, as applicable, and such direct payments to participants will be credited as part of the State’s 20 percent matching funding (per paragraph K of this section) and reported as part of the required annual report to FSA.

E. Make a one-time, up-front $100 per acre tree planting bonus payment, through Soil and Water Conservation Districts (SWCDs), to participants who enroll land in one or more of the following practices:
• CP3A
• CP5A
• CP22 (cropland and marginal pastureland)
• CP25 (oak savanna only)

F. Make, with either State or private CREP partner funding, a one-time incentive payment for contiguous enrollments up to $250 per acre in the Tiffin and Blanchard watersheds for the following riparian practices:

• CP3A
• CP22

G. Make a one-time incentive payment not to exceed $500 per acre (not to exceed $5,000 per tract), to approved participants for enrollments of one or more of the following wetland area practices:

• CP23
• CP23A
• CP25 (wetlands only)

H. Provide a minimum of $500,000 to SWCDs for a CREP Outreach and Enrollment Program that will be credited toward the State’s 20 percent matching funds (per paragraph K of this section) and an annual summary of funds dispersed (per paragraph N of this section) as part of the annual report to FSA.

I. Pay all costs for the required annual monitoring of the Ohio Lake Erie CREP and provide a detailed annual report to FSA.

J. Provide technical assistance, such as but not limited, to assistance in developing conservation plans; assisting producers in locating approved vendors, seed, and seedlings to install approved practices; coordinating efforts of State and local agencies to provided needed services for practice completion; and compliance monitoring of installed practices.

K. Provide such additional contribution if any, as may be needed so that its contribution shall amount to a total of 20 percent of the overall costs of implementing the Ohio Lake Erie CREP through a combination of State budgetary allocations, in-kind services, and eligible match funding. Costs will include funds expended for program administration, producer payments,
bonus incentive payments, technical assistance in the field, local program assistance, and state and local expenditures for agricultural nonpoint source pollution related to goals in the project area. For purposes of the 20 percent obligation, the State’s contribution will be deemed to include cash and in-kind contributions of private and public partners, including SWCDs, local government, and non-governmental organizations that may be attributed to the attainment of the LE CREP purposes and goals. The State of Ohio shall use its best efforts to secure funding for its obligations under this Agreement and to contribute at least 20 percent of the overall costs of the Lake Erie CREP.

L. Coordinate the Ohio Lake Erie CREP with other local natural resource conservation programs.

M. Temporarily release the participant from any contractual or easement restrictions on crop production during the CRP contract period if such release is determined necessary by the U.S. Secretary of Agriculture in order to address a national emergency.

N. Within ninety (90) calendar days of the end of each Federal fiscal year, provide a report to USDA summarizing the status of enrollments under this Agreement and progress in fulfilling the other commitments of this Agreement. The annual report to USDA will include, but not be limited to, the level of program participation; the results of the annual monitoring of the Ohio Lake Erie CREP; a detailed summary of the non-Federal CREP program expenditures; and recommendations to improve the Ohio Lake Erie CREP.

Section VI. MISCELLANEOUS PROVISIONS is amended to read:

A. All funding commitments by USDA and Ohio are subject to the availability of funds, including funds committed by the SWCDs and the private partners. In the event either party is subject to funding limitation, that party will notify the other party expeditiously and appropriate modifications may be made to this Agreement or either party may exercise its right to terminate. If either party can not fulfill its financial obligations under the Agreement, the other party may immediately cease accepting new contracts.

B. All CRP contracts under the Ohio Lake Erie CREP shall be subject to the limitations set forth in the regulations at 7 CFR Part 1410 including, but not limited to, those regarding such matters as economic use, transferability, violations, and contract modifications. Agreements between owners or operators and the State may impose additional conditions not in conflict with those under the CRP regulations and policies, but only if approved by CCC.

C. Neither Ohio nor USDA shall assign or transfer any rights or obligations under this Agreement without the prior written approval of the other party.

D. Contracts entered into under the Ohio Lake Erie CREP may not be assigned or transferred without approval of the landowners and CCC.

E. Any amendments to this Agreement shall be in writing and shall be executed by the same parties who executed the original Agreement, or their successors in office, or their designees.
F. Ohio and USDA agree that each party will be responsible for its own acts and/or
omissions and results thereof to the extent authorized by law and shall not be responsible
for the acts and/or omissions of any others and the results thereof.

G. This Agreement shall remain in force and effect until terminated by CCC or Ohio. This
Agreement may be terminated by either party at any time for any reason after written notice.
Such termination will not alter existing contractual obligations under this Agreement, between
participants, Ohio, and CCC.

IT IS SO AGREED:

FOR THE U.S. DEPARTMENT OF AGRICULTURE AND THE COMMODITY
CREDIT CORPORATION

______________________________  _____________________
John Johnson       Date
Deputy Administrator for Farm Programs
USDA Farm Service Agency

FOR THE STATE OF OHIO

______________________________  _____________________
Samuel W. Speck     Date
Director
Department of Natural Resources
State of Ohio
1. Allen
2. Ashland
3. Auglaize
4. Crawford
5. Defiance
6. Erie
7. Fulton
8. Hancock
9. Hardin
10. Henry
11. Huron
12. Lucas
13. Lorain
14. Marion
15. Medina
16. Mercer
17. Ottawa
18. Paulding
19. Putnam
20. Richland
21. Sandusky
22. Seneca
23. Shelby
24. Van Wert
25. Williams
26. Wood
27. Wyandot
### Exhibit B – Lake Erie CREP
Conservation Practice Goals

<table>
<thead>
<tr>
<th>Lake Erie CREP Conservation Practices</th>
<th>Current Enrollment (acres)</th>
<th>Future Enrollment (acres)</th>
<th>Total Enrollment Goal (acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CP1- Est. of Permanent Introduced Grasses &amp; Legumes</td>
<td></td>
<td>1,500</td>
<td>1,500</td>
</tr>
<tr>
<td>CP2- Est. of Permanent Native Grasses</td>
<td></td>
<td>510</td>
<td>510</td>
</tr>
<tr>
<td>CP3A- Hardwood Tree Planting</td>
<td>175</td>
<td>1,000</td>
<td>1,175</td>
</tr>
<tr>
<td>CP4D- Permanent Wildlife Habitat</td>
<td>113</td>
<td>1,000</td>
<td>1,113</td>
</tr>
<tr>
<td>CP5A- Field Windbreak Establishment</td>
<td>1,793</td>
<td>2,500</td>
<td>4,293</td>
</tr>
<tr>
<td>CP21- Filter Strip (Cool season grass)</td>
<td>16,798</td>
<td>15,500</td>
<td>32,298</td>
</tr>
<tr>
<td>CP21- Filter Strip (Warm Season grass)</td>
<td>768</td>
<td>11,532</td>
<td>12,300</td>
</tr>
<tr>
<td>CP22- Riparian Buffer</td>
<td>1,700</td>
<td>4,000</td>
<td>5,700</td>
</tr>
<tr>
<td>CP 23 – Wetland Restoration</td>
<td>2,111</td>
<td>2,250</td>
<td>4,361</td>
</tr>
<tr>
<td>CP 23A- Wetland Restoration (non-floodplain)</td>
<td></td>
<td>1,500</td>
<td>1,500</td>
</tr>
<tr>
<td>CP 25- Rare &amp; Declining Habitat</td>
<td></td>
<td>1,500</td>
<td>1,500</td>
</tr>
<tr>
<td>CP 29 – Marginal Pastureland Wildlife Habitat Buffer</td>
<td></td>
<td>500</td>
<td>500</td>
</tr>
<tr>
<td>CP 30 – Marginal Pastureland Wetland Buffer</td>
<td></td>
<td>250</td>
<td>250</td>
</tr>
<tr>
<td><strong>TOTALS:</strong></td>
<td><strong>23,458 ac.</strong></td>
<td><strong>43,542 ac.</strong></td>
<td><strong>67,000 ac.</strong></td>
</tr>
</tbody>
</table>
APPENDIX B:
Conservation Practices
**National CRP Practices**

A summary of the CRP Practices proposed in the Amended LE CREP Agreement is provided below. Requirements, policy, and other detailed information for each practice can be found in the FSA Handbook: Agricultural Resource Conservation Program (USDA 2003b).

<table>
<thead>
<tr>
<th>Practice</th>
<th>Title</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>CP1</td>
<td>Establishment of Permanent Introduced Grasses and Legumes</td>
<td>The purpose of this practice is to establish a vegetative cover of introduced grasses and legumes on eligible cropland that will enhance environmental benefits.</td>
</tr>
<tr>
<td>CP2</td>
<td>Establishment of Permanent Native Grasses</td>
<td>The purpose of this practice is to establish a vegetative cover of native grasses on eligible cropland that will enhance environmental benefits.</td>
</tr>
<tr>
<td>CP21A</td>
<td>Filter Strips, Filter and Recharge Area</td>
<td>The purpose of this practice is to remove nutrients, sediment, organic matter, pesticides, and other pollutants from surface runoff and subsurface flow by deposition, absorption, plant uptake, denitrification, and other processes, and thereby reduce pollution and protect surface water and subsurface water quality while enhancing the ecosystem of the water body.</td>
</tr>
<tr>
<td>CP23A</td>
<td>Wetland Restoration, Non-Floodplain</td>
<td>The purpose of this practice is 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 NRCS or TSP.</td>
</tr>
<tr>
<td>CP25</td>
<td>Rare and Declining Habitat</td>
<td>The purpose of this practice is to restore the functions and values of critically endangered, endangered, and threatened habitats. The extent of the restoration is determined by the specifications developed at the State level.</td>
</tr>
<tr>
<td>CP29</td>
<td>Marginal Pastureland Wildlife Habitat Buffer</td>
<td>The purpose of this practice is to remove nutrients, sediment, organic matter, pesticides, and other pollutants from surface runoff and subsurface flow by deposition, absorption, plant uptake, denitrification, and other processes, and thereby reduce pollution and protect surface water and subsurface water quality while enhancing the ecosystem of the water body. By restoring native plant communities, characteristics for the site will assist in stabilizing stream banks, reducing flood damage impacts, and restoring and enhancing wildlife habitat.</td>
</tr>
<tr>
<td>CP30</td>
<td>Marginal Pastureland Wetland Buffer</td>
<td>The purpose of this practice is to remove nutrients, sediment, organic matter, pesticides, and other pollutants from surface runoff and subsurface flow by deposition, absorption, plant uptake, denitrification, and other processes, and thereby reduce pollution and protect surface water and subsurface water quality while enhancing the ecosystem of the water body. The practice will enhance and/or restore hydrology and plant communities associated with existing or degraded wetland complexes. The goal is to enhance water quality, reduce nutrient and pollutant levels, and improve wildlife habitat.</td>
</tr>
</tbody>
</table>
APPENDIX C:
Correspondence and Comments
This Page Left Blank Intentionally