



News Release



For Immediate Release

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Judges Ruling on National Wildlife Federation Lawsuit Halts Critical Feed Use on CRP for Most Montana Producers

Bozeman, MT – On July 24th a District Judge issued a permanent injunction against the USDA Farm Service Agency (FSA) Critical Feed Use Initiative on Conservation Reserve Program (CRP). The injunction was the result of a lawsuit filed by the National Wildlife Federation against FSA stating the agency violated the National Environmental Policy Act by failing to study the environmental impacts of its action before implementing the program.

“This was a good program that could have made a great deal of forage available to livestock producers who are faced with high prices and critical shortages of hay and grazing,” stated Randy Johnson, FSA State Executive Director. “It’s very unfortunate the National Wildlife Federation chose to use tactics that unfairly affect Montana and other northern tier state producers.”

The ruling limits Critical Feed Use to three categories of producers:

- Category A - CRP participants who applied for Critical Feed Use and the contract modification form was signed and approved by FSA prior to the issuance of the Temporary Restraining Order on July 8, 2008. Haying or grazing must end by November 10, 2008, and there will be no rental reduction. Such activity will restart the waiting period for CRP managed haying and grazing;
- Category B – CRP participants who applied for Critical Feed Use and signed the required contract modification form prior to or on July 8, 2008 but was not approved by FSA. The injunction changed the haying and grazing ending dates for these applications. Haying must end by September 30, 2008 and grazing must end by October 15, 2008. There will be no rental reduction. Such activity will restart the waiting period for managed haying and grazing on CRP;
- Category C – CRP participants who can provide documentary proof of investment of \$4,500 prior to or on July 8, 2008 in preparation for Critical Feed Use. Currently, the National FSA office has not provided FSA county offices with the requirements for documentation of proof of investment. FSA in Montana will notify producers as soon as these requirements are issued.

FSA will immediately begin notifying Category A and B producers in writing of the new provisions. CRP participants must notify their local FSA office of acceptance of the new provisions.

Critical Feed Use was announced on May 27th which provided authorization of certain acreage enrolled under the CRP to be available for haying and grazing after the primary nesting season ended which in Montana is August 1st.

Further information regarding Critical Feed Use or the managed haying and grazing on CRP acres, contact your local FSA office located under “government” in the telephone directory or logon to the Montana FSA website at <http://www.fsa.usda.gov/mt>.

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