PROGRAMMATIC ENVIRONMENTAL ASSESSMENT

EMERGENCY DROUGHT RESPONSE ON CONSERVATION RESERVE PROGRAM LANDS

United States Department of Agriculture

Farm Service Agency

Final

August 2012

COVER PAGE

Proposed Action: The United States Department of Agriculture (USDA) and the Commodity Credit Corporation (CCC) proposes to change the allowable terms for emergency haying and grazing on certain Conservation Reserve Program (CRP) lands this year due to unprecedented extreme drought conditions. Farm Service Agency (FSA) administers CRP on behalf of the CCC. As of July 25, 2012, U.S. Department of Agriculture (USDA) has designated 1,369 counties in 31 states disaster areas, in response to the severe drought that has affected the United States. This Environmental Assessment evaluates the potential impacts of allowing emergency haying and grazing on seven CRP practices (CP8a, 23, 23a, 27, 28, 37, and 41) and emergency haying on CP25 as a means to alleviate local impacts occurring to farmers and ranchers as a result of the extreme drought and high temperatures this year. This Programmatic Environmental Assessment examines the potential impacts of the Proposed Action alternative that would permit haying and grazing to occur on previously ineligible conservation practices in response to the extreme drought for 2012 against the No Action Alternative. The alternatives of addressing less or more CPs were rejected because additional CPs are not relevant to providing additional acres for haying and grazing and not including the CPs identified would not maximize the opportunity to open acres to provide the benefits/relief afforded by the preferred alternative.

Type of Document: Programmatic Environmental Assessment

Lead Agency: Farm Service Agency (on behalf of CCC)

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This Programmatic Environmental Assessment was prepared in accordance with the Farm Service Agency National Environmental Policy Act implementation procedures found in 7 Code of Federal Regulations 799, as well as the National

Environmental Policy Act of 1969, Public Law 91-190, 42 USC 4321-4347, 1 January 1970, as amended.

An electronic copy of this Programmatic Environmental Assessment is available for review at: http://www.fsa.usda.gov/FSA/webapp?area=home&subject=ecrc&topic=nep-cd.

United States Department of Agriculture
Farm Service Agency

MITIGATED FINDING OF NO SIGNIFICANT IMPACT

Emergency Drought Response on Conservation Reserve Program Land

AUGUST 2012

The United States Department of Agriculture Farm Service Agency (FSA) on behalf of the Commodity Credit Corporation (CCC) has prepared a Programmatic Environmental Assessment (PEA) to evaluate the environmental consequences associated with authorizing emergency haying and grazing of CRP conservation practices (CP8a, 23, 23a, 27, 28, 37, and 41) and emergency haying on CP25 as a means to alleviate local impacts occurring to farmers and ranchers as a result of the extreme drought and high temperatures this year.

The purpose of the Proposed Action is to authorize emergency haying or grazing to occur on certain conservation practices that are currently ineligible for any type of haying and grazing for year 2012 only. The need for the Proposed Action is to provide new flexibility and assistance necessary to get much-needed help to livestock producers across the United States due to the current extreme drought conditions not seen in this country in seven decades.

Proposed Action

The FSA proposes to authorize certain conservation practices previously not authorized for any type of haying and or grazing to be eligible under emergency haying and grazing provisions in drought-designated areas for 2012 only outside of the Primary Nesting Season (PNS). All emergency haying of these proposed practices must be completed by August 31, 2012 and all grazing of these proposed practices must be completed by September 30, 2012 with no exception to either of these activities. A modified conservation plan, addressing protected species, cultural resources and any extraordinary circumstances is required before emergency haying and grazing could be performed. State Acres For wildlife Enhancement (SAFE) acres targeting threatened and endangered species and critical habitat are not eligible under this Proposed Action.

Reasons for Mitigated Finding of No Significant Impact

In consideration of the analysis documented in the PEA and the reasons outlined in this Mitigated Finding of No Significant Impact (FONSI), the Proposed Action would not constitute a major Federal action that would significantly affect the human environment. Therefore, an environmental impact statement will not be prepared. The determination is based on the following:

1. The Proposed Action as outlined in the PEA would not produce significant negative impacts to vegetation, wildlife or protected species if: the Conservation Plan is followed and adapted to local resource conditions prior to commencement of any emergency haying and grazing activities, emergency haying or grazing activities of proposed practices would not occur during the PNS, and SAFE acres targeting threatened and endangered species critical habitat would not be eligible.
2. The Proposed Action as outlined in the PEA would not produce significant negative impacts to soil or water resources associated with emergency harvesting or grazing if: these activities are completed in accordance with existing NRCS Conservation Practice Standards, provisions, and guidelines, and the parameters for conducting these activities are stipulated in the Conservation Plan that would be adjusted to resource conditions on the land prior to conducting these activities.
3. The Proposed Action would result in minor socioeconomic impacts in drought-designated areas as the negative effects of the drought have been substantial on farmers and ranchers, rural communities and across the nation.
4. The Proposed Action would require site specific environmental evaluation as a requirement of the conservation planning process for each producer applying to utilize emergency haying and grazing, which would identify field level resources that would be need to be avoided or the effects could be minimized through mitigation efforts as described in the PEA.
5. Potential beneficial and adverse impacts of implementing the Proposed Action have been fully considered within the PEA. No significant adverse direct or indirect effects were identified, based on the resource analyses provided.
6. The Proposed Action would not involve effects to the quality of the human environment that are likely to be highly controversial.
7. The Proposed Action would not establish a precedent for future actions with significant effects and does not represent a decision in principle about a future consideration.

8. The Proposed Action does not result in cumulative significant impacts when considered with other actions that also individually have insignificant impacts. Cumulative impacts of implementing the Proposed Action were determined to be not significant.
9. The Proposed Action would not have adverse effects on threatened or endangered species or designated critical habitat since site specific analyses is required prior to commencing emergency haying or grazing to avoid adverse effects to these protected species.
10. The Proposed Action does not threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

Overview of the Mitigation Requirements

To avoid more than minor adverse effects to the human and natural environment, the mitigation measures outlined in PEA are required in order for participants to utilize emergency haying or grazing of previously unauthorized CRP conservation practices in response to extreme drought conditions for 2012 only. If potential negative impacts of haying and grazing on listed species are identified, it is not likely the land would be approved for these activities.

The following required mitigation measures have been determined necessary to ensure no significant impacts occur:

a. Emergency haying and grazing requires a prior written request by the applicant and requires modification of the Conservation Plan to include haying or grazing; the modification must be site-specific and reflect the local wildlife needs and concerns.
b. Emergency haying and grazing extensions for those practices analyzed in this PEA are not authorized;
c. Emergency grazing shall leave at least 25 percent of each field or contiguous CRP fields ungrazed for wildlife, or graze not more than 75 percent of the stocking rate determined by NRCS or TSP;
d. Participants Shall leave at least 50 percent of each field or contiguous fields unhayed for wildlife;
e. Shall not hay or graze the same acreage; and
f. Haying is limited to one cutting.

Determination

In accordance with the National Environmental Policy Act and FSA's environmental regulations at 7 Code of Federal Regulations (CFR) part 799 implementing the regulations of the Council on

Environmental Quality, 40 CFR parts 1500-1508, I find the Proposed Action and associated mitigation measures do not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, no environmental impact statement will be prepared.

08/01/2012

Executive Vice President,
Commodity Credit Corporation, and
Administrator,
Farm Service Agency

Date

EXECUTIVE SUMMARY

BACKGROUND

The United States Department of Agriculture (USDA) Commodity Credit Corporation (CCC) oversees the Conservation Reserve Program (CRP), the Federal government's largest private land environmental improvement program. Farm Service Agency (FSA) administers CRP on behalf of the CCC. CRP is a voluntary program authorized by the Food Security Act of 1985, as amended, 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.

In exchange for annual rental payments and cost-share assistance, producers take lands out of agricultural production and establish approved resource conserving covers (conservation practices or CPs) to accomplish the goals of CRP: improve water quality, control erosion, and enhance wildlife habitat. The land is enrolled in long-term contracts of ten to 15 years. Prior to contract approval, a site-specific conservation plan must be developed by the USDA Natural Resource Conservation Service (NRCS) or a Technical Service Provider (TSP) following the NRCS Field Office Technical Guide (FOTG).

Emergency haying and grazing is granted on CRP lands to provide relief to ranchers in areas affected by drought or other natural disaster to avoid culling of herds or livestock losses. Eligibility is based on evidence submitted by County Committees (COC) that the county is suffering from a 40 percent or greater loss of normal hay and pasture production due to drought or because excessive moisture conditions and/or precipitation levels indicate an average of 140 percent or greater increase in normal precipitation during the four most recent consecutive months, plus the days in the current month before the date of request. Emergency haying and grazing must end by September 30, unless determined otherwise. Emergency haying and grazing generally may not be approved during the Primary Nesting Season (PNS); however, it may be approved by the USDA under extreme conditions. Emergency haying and grazing is only authorized on the same Conservation Practices (CPs) that are eligible for managed haying and grazing, requires a prior written request by the applicant, and requires modification of the Conservation Plan to include haying or grazing. The modification must be site-specific and reflect the local wildlife needs and concerns.

The requirements of emergency haying and grazing, including the modified Conservation Plan and the mitigation measures, have been reviewed in the 2010 Supplemental Environmental Impact Statement. These actions are now considered in this PEA as part of the affected environment and are included in the no-action alternative.

This PEA focuses on allowing additional emergency haying and grazing acres on CRP enrolled land insofar as they are consistent with the conservation purposes of the program, the mitigation measures established in the 2010 SEIS and the actions subsequently taken to implement the Record of Decision in response to drought or other emergency, but only in exchange for a payment reduction (7 CFR 10410.63(c)(4)).

PURPOSE AND NEED FOR THE PROPOSED ACTION

The purpose of the Proposed Action is to authorize emergency haying and grazing to occur on certain CPs that are currently ineligible for any type of haying or grazing for year 2012 only. The need for the Proposed Action is to provide new flexibility and assistance necessary to get much-needed help to livestock producers across the United States due to the current extreme drought conditions not seen in this country in seven decades. (Drought Monitor 2012) The 2012 drought has rapidly increased in severity over the past month with 62 percent of farms being located in areas experiencing drought. Based on the 2010 value of production, about 2/3 of all crops and 2/3 of all livestock are produced in areas that are experiencing at least moderate drought. Additionally, 44 percent of cattle production, and almost 40 percent of corn and soybean production, are in areas experiencing at least severe drought. (USDA 2012) This has put extraordinary pressure on farmers, ranchers and the nation.

ALTERNATIVE A – PROPOSED ACTION

Under this alternative, emergency haying and grazing would be authorized by CCC on certain conservation practices previously not authorized for any type of haying and or grazing in drought-designated areas. A modified conservation plan, addressing protected species, cultural resources and extraordinary circumstances, would be required before haying and grazing could be performed. State Acres For wildlife Enhancement (SAFE) acres targeting threatened and endangered species and critical habitat are not eligible under this Alternative. No haying or grazing will be authorized during the PNS. All emergency haying and grazing must be completed by August 31 and September 30, respectively, for those practices that fall under the Proposed Action.

ALTERNATIVE B – NO ACTION

Alternative B is carried forward in this PEA in accordance with 40 CFR 1502.14(d) to represent the environmental baseline against which to compare the other alternatives. Under the No Action alternative, no additional acres would be authorized for emergency haying and/or grazing. By not authorizing additional acres for emergency haying and grazing, there would be no benefit to farmers and ranchers during this time of extreme drought. Alternative B would allow all variations of haying and/or grazing to continue as they are currently authorized including any current levels of emergency haying and/or grazing as designated by CCC. The No Action Alternative does not meet the purpose and need of the Proposed Action and analyzed to provide a baseline against which the impacts of the Proposed Action can be assessed.

ENVIRONMENTAL CONSEQUENCES

The environmental consequences of the Alternative A – Proposed Action – is compared to the No-Action Alternative B in this PEA and summarized in Table ES-1.

Table ES-1. Summary of Environmental Consequences

Resource	*Alternative A – Proposed Action*	*Alternative B – No Action*
Biological Resources	Under Alternative A, both the direct and indirect impacts to biological resources from emergency haying and grazing would not be significant. If implemented, emergency haying and grazing on additional Conservation Practices in drought-designated areas would fulfill the purpose and need of the action. Haying and grazing that would not be properly controlled has the potential to cause significant damage to vegetation and soils, and may promote the introduction and spread of invasive plants; however, a modified Conservation Plan would tailor the activity to meet the specifics of the site and control of a particular invasive plant species, including timing, stocking rate, duration, and frequency. No significant negative impacts to vegetation, wildlife or protected species would occur under this alternative if the Conservation Plan is followed and adapted to resource conditions just prior to emergency haying and grazing. No emergency haying or grazing would be authorized during the PNS. SAFE acres targeting threatened and endangered species critical habitat would not be eligible. The mitigation measures set out in the CRP EIS and the experience in applying these protective provisions that has been gained from 13 subsequent, tiered, EAs and the actual effects of the actions those EAs analyzed, support the appropriate	Alternative B would allow continuation of the current forms of authorized harvest, haying, and grazing. The purpose and need would not be fulfilled and no relief would be given to those farmers, ranchers and livestock suffering from drought impacts. Environmental Assessments recently undertaken for 13 Midwestern and Western States found that haying and grazing under both managed and emergency conditions have the potential to significantly negatively impact vegetation if the amount of forage removed is excessive and prolonged, or if livestock is allowed to compact the soil. Any activity that threatens the long-term viability of the vegetative stand may also negatively impact wildlife and protected species. Likewise, these EAs found that the established PNS effectively protected many ground nesting grassland and sagebrush birds, fawning periods for several species of large mammals, nesting of many herpetofauna, and the period of greatest florescence of many invertebrates from direct impacts. Providing harvesting, haying, and grazing activities would be accomplished within the requirements of the Conservation Plan while ensuring these activities are frequent enough to optimally maintain early successional grasslands, but not too frequent such that significantly negative impacts to biological

	conditions we are placing on the proposed action.	resources would occur, the health and vigor of the conservation cover would be maintained, benefiting vegetation, wildlife, and protected species. If established provisions, standards, guidelines and the Conservation Plan are followed, and harvest plans are adjusted to resource conditions on the land just prior to haying or grazing, then no significant negative effects to biological resources would occur under the No Action Alternative.

Water Resources	Under Alternative A, both the direct and indirect impacts to water resources from emergency haying and grazing would be similar to the No Action Alternative. Grazing that is not properly controlled has the potential to cause significant damage to vegetation and soils, indirectly negatively impacting water resources through increased rates of sedimentation of surface waters, potential increase in runoff and water velocity contributing to damaging floods, and reduced infiltration of water to groundwater sources; however, a Conservation Plan would tailor the activity to meet the specifics of the site and control of a particular invasive plant species, including timing, stocking rate, duration, and frequency. No significant negative impacts to water resources would occur under this alternative if the modified Conservation Plan is followed and adapted to resource conditions just prior to emergency haying and grazing.	Alternative B would allow continuation of the current forms of authorized harvest, haying, and grazing. Environmental Assessments recently undertaken for 13 midwestern and western States found that haying and grazing under both managed and emergency conditions have the potential to significantly negatively impact vegetation if the amount of forage removed is excessive and prolonged, or if livestock is allowed to compact the soil. Any activity that threatens the long-term viability of the vegetative stand may also negatively impact water resources through increased sedimentation and pollutant loading of surface waters and increased runoff velocity contributing to waterbank erosion and flooding. Impacts to surface waters are currently minimized by prohibiting managed and emergency haying and grazing within 120 ft of permanent surface waterbodies, permitting no more than 50% of a field to be managed hayed,

		and a stocking rate no more than 75% of NRCS established rates. Adherence to NRCS Conservation Practice Standards which stipulate harvest criteria and exclusion of livestock from surface water further protect the vegetative stand and water resources. No significant negative impacts to water resources would occur from emergency haying and grazing if these activities are completed in accordance with existing standards, provisions, and guidelines, and the parameters for conducting these activities are stipulated in the modified Conservation Plan that would be adjusted to resource conditions on the land prior to conducting these activities.
Soil Resources	Alternative A would expand emergency haying and grazing on drought-designated areas on certain conservation practices on CRP lands. Impacts to soil resources would be similar to those described in the No Action Alternative; potential negative impacts may be minimized using the same methods. Alternative A would satisfy the purpose and need of the action by providing relief to farmers and ranchers suffering the effects of the current drought. No significant negative impacts to soil resources would occur under Alternative A if the Conservation Plan is followed and adapted to resource conditions just prior to harvesting or grazing activities, the CPs authorized for harvest or routine grazing do not change, and	The Alternative B would allow continuation of the current forms of authorized harvest, haying, and grazing. EAs recently undertaken for 13 mid-western and western States found that haying and grazing under both managed and emergency conditions have the potential to significantly negatively impact soils if the amount of vegetative cover removed is excessive and prolonged, or if livestock is allowed to compact the soil. Any activity that threatens the long-term viability of the vegetative stand may also negatively impact soils through increased erosion. Impacts to soils are currently minimized by permitting no more than 50% of a field to be managed hayed, a

	State-level NEPA is accomplished for any proposed changes to the PNS, timing, and frequency of these activities prior to implementation.	stocking rate no more than 75% of NRCS established rates, and adherence to NRCS Conservation Practice Standards which stipulate harvest criteria and measures to ensure dispersion of livestock. No significant negative impacts to soil resources would occur from harvesting or grazing if these activities are completed in accordance with existing standards, provisions, and guidelines, and the parameters for conducting these activities are stipulated in the Conservation Plan that would be adjusted to resource conditions on the land prior to conducting these activities.
Socioeconomics	Implementation of Alternative A would result in minor socioeconomic effects. If implemented, allowing emergency haying and grazing on additional practices in drought-designated areas would generate substantial societal benefits as the negative effects of the drought have been substantial on farmers and ranchers, rural communities and across the nation. A payment reduction would continue to be assessed for emergency haying and grazing activities as it is not feasible for FSA to determine the actual value of these activities for every field CRP participants propose to harvest. As such, the overall socioeconomic effects would be similar to the No Action Alternative, but may be somewhat greater due to the potential for the local benefits. No significant negative socioeconomic impacts would occur	Continuation of current harvest, haying and grazing activities under the No Action Alternative would likely create only minor changes to hay production and grazing on CRP acres. Current production practices are fairly small when compared to total production values within the combined counties containing those CRP acres and total production at the State level. The effects are likely to remain minor due to: 1) the economic value of haying or grazing may not be worth the 25% reduction in annual rental rate payments and/or the transactions costs for obtaining permission to hay or graze may be too high; 2) generalized market effects on the hay market would likely be very small; and 3) broader economic effects would approach zero, since operators would only participate in haying or grazing if production value is worth at least the 25 percent

	under this alternative.	payment reduction at the point where the marginal costs and benefits are equal, although negative impacts could occur on a local level in less diversified areas. The No Action Alternative would be less beneficial than the action alternative because it does not address the purpose and need of the action. No significant negative impacts would occur under the No Action Alternative.

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ACRONYMS AND ABBREVIATIONS

2008 Farm Bill	Food, Conservation, and Energy Act of 2008
1-EQ	Environmental Quality Programs for State and County Offices Rev. 2
AFWA	Association of Fish and Wildlife Agencies
BEA	Bureau of Economic Analysis
BLS	Bureau of Labor Statistics
BMP	Best Management Practices
CAA	Clean Air Act
CCC	Commodity Credit Corporation
CEQ	Council on Environmental Quality
CEPD	Conservation and Environmental Programs Division
COC	County Committees
CFR	Code of Federal Regulations
CP	Conservation Practice
CREP	Conservation Reserve Enhancement Program
CRP	Conservation Reserve Program
CSP	Conservation Stewardship Program
CWA	Clean Water Act
CZMA	Coastal Zone Management Act
DAFP	Deputy Administrator of Farm Programs
EA	Environmental Assessment
EI	Erodibility Index
EIS	Environmental Impact Statement
EO	Executive Order

EPA	U.S. Environmental Protection Agency
EQIP	Environmental Quality Incentives Program
ERS	Economic Research Service
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
FONSI	Finding of No Significant Impact
FOTG	Field Office Technical Guide
FR	Federal Register
FSA	Farm Service Agency
GRP	Grasslands Reserve Program
HEL	Highly Erodible Lands
LIP	Landowner Incentive Program
MBTA	Migratory Bird Treaty Act
MCM	Mid-contract management
MHI	Median Household Income
MLRA	Major Land Resource Areas
NASS	National Agricultural Statistics Service
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOA	Notice of Availability
NRCS	Natural Resources Conservation Service
NWF	National Wildlife Federation
PEA	Programmatic Environmental Assessment
PEIS	Programmatic Environmental Impact Statement
PL	Public Law

PNS	Primary Nesting Season
ROI	Region of Influence
RUSLE2	Revised Universal Soil Loss Equation
SGCN	Species of Greatest Conservation Need
STC	FSA State Committee
SWCD	Soil and Water Conservation District
TES	Threatened and Endangered Species
TMDL	Total Maximum Daily Loads
TSP	Technical Service Provider
USACE	U.S. Army Corps of Engineers
USC	U.S. Code
USCB	U.S. Census Bureau
USDA	U.S. Department of Agriculture
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
WRP	Wetlands Reserve Program

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1.0 PURPOSE AND NEED FOR THE PROPOSED ACTION

1.1 Background

1.1.1 The Conservation Reserve Program

The United States Department of Agriculture (USDA) Commodity Credit Corporation (CCC) oversees the Conservation Reserve Program (CRP), the Federal government's largest private land environmental improvement program. Farm Service Agency (FSA) administers CRP on behalf of the CCC. CRP is a voluntary program authorized by the Food Security Act of 1985, as amended, 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. For a complete list of CRP acres by state, see Appendix A of this PEA.

In exchange for annual rental payments and cost-share assistance, producers take lands out of agricultural production and establish approved resource conserving covers (conservation practices or CPs) to accomplish the goals of CRP: improve water quality, control erosion, and enhance wildlife habitat. The land is enrolled in long-term contracts of ten to 15 years. Prior to contract approval, a site-specific conservation plan must be developed by the USDA National Resources Conservation Service (NRCS) or a Technical Service Provider (TSP) following the NRCS Field Office Technical Guide (FOTG).

To be eligible for enrollment in CRP, lands are required to meet cropland or marginal pastureland eligibility criteria in accordance with policy set forth by the Farm Security and Rural Investment Act of 2002 (2002 Farm Bill) and detailed in the FSA Handbook: Agricultural Resource Conservation Program for State and County Offices (USDA/FSA 2003a). Eligible cropland must be planted or considered planted to an agricultural commodity during four of the previous six crop-years and must be physically and legally capable of being planted in a normal manner to an agricultural commodity as determined by the County Committee. In addition, eligible cropland must fall into one or more of the following secondary categories:

- Cropland for a field or a portion of a field where the weighted average Erodibility Index (EI) for the three predominant soils on the acreage offered is eight or greater (highly erodible soils);
- Land currently enrolled in CRP scheduled to expire September 30 of the fiscal year the acreage is offered for enrollment; and
- Cropland located within a National- or State-designated Conservation Priority area.

CRP participants must maintain the CRP cover in accordance with their approved conservation plan to control erosion, noxious weeds, rodents, insects, etc. Specific maintenance activities, timing, and duration are developed in consultation with NRCS or TSP and may consist of

mowing, burning, and/or spraying. Periodic mowing and mowing for cosmetic purposes is prohibited.

Mid-contract management activities must be a part of the conservation plan and designed to ensure plant diversity and wildlife benefits, while ensuring protection of soil and water resources. Management activities are site specific and must occur before the end of year six of a ten year contract, or the end of year nine of a 15 year contract. Appropriate management is developed with NRCS or TSP and can include light disking, inter-seeding, and other components applicable to the practice installed as indicated by local conditions.

Participants must also manage CRP land for potential fire hazards. Firebreaks may be installed around CRP and must meet NRCS Practice Code 394 standards and be included in the conservation plan. Barren firebreaks are only allowed around high-risk areas such as transportation corridors, rural communities, or adjacent farmsteads.

1.1.2 Existing Emergency Haying and Grazing

The 2002 Farm Bill allowed producers to implement managed haying and grazing on CRP lands with certain practices to improve the quality and performance of the CRP cover. The practice must be fully established for at least one year prior to haying and grazing. Current eligible conservation practices (CP) for managed haying and grazing are:

- CP 1: Introduced grasses and legumes
- CP 2: Permanent native grasses
- CP 4B: Permanent wildlife habitat (corridors)(limited to non-easement lands)
- CP 4D: Permanent wildlife habitat (limited to non-easement lands)
- CP 10: Vegetative cover – grass-already established
- CP 18B: Permanent covers reducing salinity (limited to non-easement lands)
- CP 18C: Permanent salt tolerant covers (limited to non-easement lands)

Emergency haying and grazing is generally intended for periods of drought or excessive moisture of such magnitude that livestock producers nationally or across wide-ranging areas are faced with culling of herds or livestock losses. It is generally not authorized for situations where livestock producers suffer inconveniences in forage availability or prices, because of less than ideal production or over-utilization of acreage not under CRP contract. Authorization for emergency haying or grazing is granted if either the Deputy Administrator for Farm Programs (DAFP) or FSA State Committee (STC) determine it is warranted and the FSA Conservation and Environmental Programs Division (CEPD) concurs. FSA county committees (COC) may request emergency haying or grazing on a county by county basis if evidence demonstrates a 40 percent or greater loss in normal hay and pasture production has occurred, and:

- drought conditions and/or precipitation levels indicate an average of 40 percent or greater loss of normal precipitation for the four most recent months, plus the days in the current month before the date of request; or
- excessive moisture conditions and/or precipitation levels indicate an average of 140 percent or greater increase in normal precipitation during the four most recent consecutive months, plus the days in the current month before the date of request.

The COC must submit written monthly reviews of conditions in the county and the basis used to determine whether continued haying or grazing is warranted. Emergency haying and grazing must end by September 30, unless determined otherwise as noted below. Emergency haying and grazing may not be approved during the Primary Nesting Season (PNS). Currently, emergency haying and grazing is only authorized on the same CPs that are eligible under managed haying and grazing, require a prior written request by the applicant, and requires a modification of the conservation plan to include haying or grazing that must be site specific and reflect the local wildlife needs and concerns. Further restrictions apply to current eligible practices as follows:

- designation for emergency grazing may be for up to 90 calendar days, not to exceed September 30;
- one 30-calendar-day extension may be authorized, not to exceed September 30;
- designation for emergency haying may be for up to 60 calendar days, not to exceed September 30;
- emergency haying extensions are not authorized;
- emergency grazing extension up to 15 calendar days may be authorized because of flooding, not to exceed September 30;
- emergency grazing shall leave at least 25 percent of each field or contiguous CRP fields ungrazed for wildlife, or graze not more than 75 percent of the stocking rate determined by NRCS or TSP;
- shall leave at least 50 percent of each field or contiguous fields unhayed for wildlife;
- shall not hay or graze the same acreage; and
- haying is limited to one cutting.

Acreage currently ineligible for emergency haying or grazing include useful life easements, any land within 120 ft of a stream or other permanent water body, and any land enrolled in a CP not authorized for emergency haying and grazing. Current policy requires that at least 25 percent of the contracts authorized for emergency haying or grazing shall be spot checked by the COC ten days prior to the end date for the authorized activity. Emergency haying and grazing may occur any year before or after managed haying and grazing. Finally, managed haying and grazing may not be undertaken on acreage that was harvested under emergency provisions until the established frequency interval under managed provisions expires.

1.1.3 Existing NEPA documentation

Over the past ten years, FSA has completed extensive NEPA analysis pertaining to CRP and components of the program. In 2003, a Programmatic Environmental Impact Statement [2003 CRP PEIS (USDA/FSA 2003b)] was completed by FSA to analyze the impacts associated with the reauthorization of CRP with the provisions defined in the Farm Security and Rural Investment Act of 2002 (2002 Farm Bill). The Proposed Action examined in the 2003 PEIS included an increase in the acreage enrollment authority to 39.2 million acres; expansion of the Farmable Wetlands Program (FWP) nationwide with an aggregate acreage cap of 1,000,000 acres; an allowance to landowners to continue existing vegetative cover, where practicable and consistent with the objectives of CRP; and provide for managed haying (including for biomass), grazing, and construction of wind turbines on CRP lands.

In September 2006, a legal settlement agreement was signed between the National Wildlife Federation (NWF) and FSA that limited the frequency of haying on CRP lands to once every ten years and grazing to once every five years for 20 Midwestern and Western States; with a suspension of haying and grazing during the PNS (May 1 to August 1). The settlement stipulated that if a change to the frequency of haying and grazing or the PNS dates is desired, then some form of NEPA analysis would be indicated to support any changes.

In response to this settlement agreement, 13 state-level Environmental Assessments were completed that analyzed the environmental impacts of haying and grazing variations on CRP contract acres, and by fall of 2008, a Finding of No Significant Impact (FONSI) was issued for each of the state-level EAs.

In response to the changes made to CRP by the 2008 Farm Bill, FSA completed a Programmatic EA (PEA) examining non-discretionary changes required to CRP and issued a FONSI accordingly. Additionally, after that Final PEA, FSA completed a Final Supplemental Environmental Impact Statement [2010 CRP Final SEIS (USDA/FSA 2010)] to update the data of the 2003 Final PEIS and to examine potential impacts for those discretionary changes to CRP authorized under the 2008 Farm Bill. That Final SEIS includes analysis on managed, routine, and prescribed haying and grazing and it establishes the parameters for emergency haying and/or grazing; a subsequent Record of Decision (ROD) was issued in July of 2010 and is the basis for undertaking NEPA on this Proposed Action.

1.1.4 2012 Emergency Haying and Grazing Response

On July 11, 2012, Agriculture Secretary Tom Vilsack announced a package of program improvements that would deliver faster and more flexible assistance to farmers and ranchers devastated by natural disasters. One of those improvements, as part of ongoing efforts to provide greater flexibility in service to American agriculture, was that the annual rental payment by

producers on CRP acres used for emergency haying or grazing would be reduced to 10 percent in 2012, instead of 25 percent, in response to the seriousness of the drought gripping large portions of the United States. This is consistent with the 2010 SEIS and is considered commensurate with economic activity given the current U.S. economic conditions as determined by CCC (7 CFR 1410.63(c)(4).

On July 11, 2012, in response to worsening drought conditions impacting farmers and ranchers along with the support of the Association of Fish and Wildlife Agencies (AFWA), the Acting Deputy Administrator for Farm Programs authorized emergency grazing only on CP 25 (Rare and Declining Habitat) outside of the PNS through September 30, 2012 with total concurrence from the STC, the Natural Resource Conservation Service (NRCS) State Conservationist, and the appropriate State Wildlife Agencies. Consistent with current FSA NEPA documentation, no long-term policy change to permanently allow grazing on CP25 was authorized by the Deputy Administrator of Farm Programs (7 CFR 1410.63(a).

On July 23, 2012, in an effort to get much-needed help to livestock producers as the most wide-spread drought in the United States in seven decades intensified, Secretary Vilsack used his discretionary authority to allow lands that are not yet classified as "under severe drought" but that are "abnormally dry" to be used for haying and grazing. Figure 1-1 shows the number of counties in the United States with this Drought Level D0 status and above (Drought Monitor).

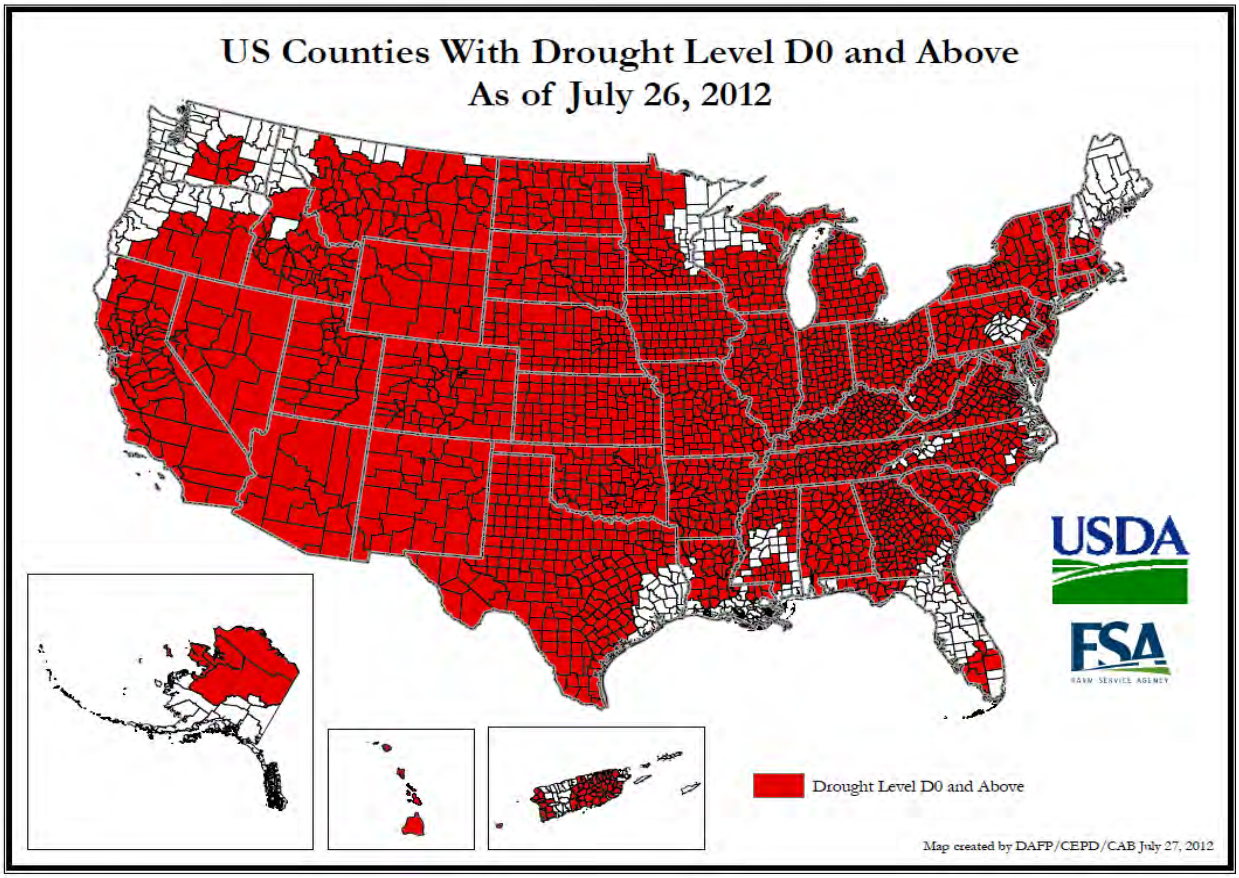

FIGURE 1-1 US Counties with Drought Level D0 and Above as of July 26, 2012

1.1.5 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 [USC] 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.

1.2 Purpose and Need

The purpose of the Proposed Action is to authorize emergency haying and/or grazing to occur on certain CPs that are currently ineligible for any type of haying and or grazing for year 2012 only. The need for the Proposed Action is to provide new flexibility and assistance necessary to get much-needed help to livestock producers across the United States due to the current extreme drought conditions not seen in this country in seven decades. The 2012 drought has rapidly increased in severity over the past month with 62 percent of farms being located in areas

experiencing drought. Figure 1-1 shows the U.S. Counties that are currently in drought level of D0 or worse. Based on the 2010 value of production, about 2/3 of all crops and 2/3 of all livestock are produced in areas that are experiencing at least moderate drought. Additionally, 44 percent of cattle production, and almost 40 percent of corn and soybean production, are in areas experiencing at least severe drought. (USDA 2012) This has put extraordinary pressure on farmers, ranchers and the nation and calls for immediate response by federal agencies.

1.3 Organization of the PEA

This PEA assesses the potential impacts of the Proposed Action and the Alternatives 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 existing conditions (i.e., the baseline conditions against which potential impacts of the Proposed Action are measured) for each of the potentially affected resources and describes potential environmental consequences on these resources. Chapter 4.0 describes potential cumulative impacts and irreversible and irretrievable resource commitments. Chapter 5.0 discusses mitigation measures utilized to reduce or eliminate impacts to protected resources. 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, Chapter 8.0 contains the Appendix and Chapter 9.0 contains references.

2.0 ALTERNATIVES INCLUDING THE PROPOSED ACTION

2.1 Proposed Action

The Proposed Action will authorize certain conservation practices previously not authorized for any type of haying and or grazing to be eligible under emergency haying and grazing provisions in drought-designated areas for 2012 only outside of the PNS. A modified conservation plan, addressing protected species, cultural resources and extraordinary circumstances, is required before haying and grazing could be performed. State Acres For wildlife Enhancement (SAFE) acres targeting threatened and endangered species and critical habitat are not eligible under this Alternative.

As of July 25, 2012, U.S. Department of Agriculture (USDA) has designated 1,369 counties in 31 states disaster areas, in response to the severe drought that has affected the United States. The proposed action would allow emergency haying and/or grazing on these additional nine CRP practices as a means to alleviate local impacts on America's farmers and ranchers. Table 2-1 shows the eligible practices and total eligible acres for emergency haying and grazing under the Proposed Action. (Barbarika 2012)

CP Number	Conservation Practice	Total Eligible Haying and Grazing Acres under the Proposed Action
CP08	Grassed Waterways	137,754
CP23	Wetland Restoration	1,441,630
CP23A	Non-floodplain Wetlands	201,355
CP25	Rare and Declining Habitat (emergency haying only)	1,604,162
CP27	Farmable Wetlands	84,353
CP28	Farmable Wetland Buffers	220,556
CP37	Duck Nesting Habitat	179,078
CP41	Flooded Prairie Farmable Wetlands	12,242
Total		**3,881,130**

TABLE 2-1 - Acreage Eligible for Emergency Haying and Grazing by Practice

All emergency haying and grazing under the proposed action would be subject to current policy and mitigation policies requiring a modified Conservation Plan to assess and address any site-specific impacts.

2.2 Scoping

Scoping is the process used to identify the scope and significance of issues related to a Proposed Action in developing alternatives and identifying issues to be analyzed in this PEA.

Annually FSA receives numerous quests throughout the year pertaining to emergency haying and grazing of CRP eligible acres. These requests vary based on the current environmental conditions in the country and can be related to drought, wildfires, flooding or other natural disasters. However in 2012, the extreme drought conditions around the United States generated an unusually high number of requests for drought relief, which included requests for FSA to allow ineligible CRP haying and grazing practices to become available for emergency haying and grazing outside the PNS in response to the extreme drought. Appendix B represents the letters and emails received pertaining to the issue of making ineligible CRP haying and grazing practices eligible for emergency haying (through August 31) and grazing (through September 31) as a result of the extreme drought conditions throughout the United States. These items were used in developing the scope of this PEA and the mandatory mitigation measures associated with the Proposed Action.

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. In accordance with 40 CFR §1501.7, issues eliminated from detailed analysis in this PEA include the following:

2.3.1 Noise

Implementing the Proposed Action would not permanently increase ambient noise levels at or adjacent to the access areas. There may be some slight increases in noise levels associated with harvesting activities, but these would be minor, temporary, and would cease once activities are complete. Therefore, noise has been eliminated from detailed analysis.

2.3.2 Air Quality

The Proposed Action is not expected to produce any adverse impacts either local or regional air quality. Temporary minor impacts to local air quality as a result of soil disturbance and harvesting would not differ measurably from those resulting from continued use of the land for agriculture, and would not exceed ambient air quality standards. Emergency haying and grazing would not result in impacts to the attainment, non-attainment, or maintenance status of any airsheds, this issue has been eliminated from further study in this PEA.

2.3.3 Transportation

The Proposed Action has no potential to impact transportation on a local, regional, or State level. The lands eligible for emergency haying and grazing are predominately rural and widely dispersed. Therefore, transportation has been eliminated from further analysis.

2.3.4 Wetlands, Groundwater, Floodplains, Sole Source Aquifers

Water resources for this analysis have been restricted to surface water quality. Haying and grazing on currently enrolled CRP land would not create different or additional impacts than those described in the CRP PEIS for wetlands, groundwater, floodplains, or sole source aquifers (USDA/FSA 2003b).

2.3.5 Coastal Zones and Barriers

The proposed action and alternatives would occur within the interior U.S.; therefore, coastal zones would not be affected.

2.3.6 National Natural Landmarks

Haying and grazing would occur on privately owned CRP lands only. There is no potential for this activity to occur on National Natural Landmarks.

2.3.7 Human Health and Safety

There would be no adverse impacts to human health and safety under the Proposed Action. The Proposed Action would allow emergency haying and grazing of certain CPs in drought-designated areas. The proposed action would not affect human health and safety and therefore it has been eliminated from further analysis.

2.3.8 Prime and Unique Farmland

The Proposed Action occurs on currently enrolled CRP land that has already been taken out of agricultural production; therefore, prime and unique farmland would not be affected. Therefore the Farmland Protection Policy Act of 1981 is not applicable.

2.3.9 Cultural Resources

Prior to any haying and grazing actions, consistent with current policy, an amended conservation plan must be completed to ensure compliance with the NHPA. It would determine the potential for the proposed emergency haying and grazing activities to affect historic properties, the need for an inventory, and if resources were found, consultation with the State Historic Preservation Officer would be completed regarding the eligibility of resources found for the National Register of Historic Places, potential effects of the undertaking, and measures to take effects into account. Every effort would be made to avoid any adverse effects; however, if such effects were anticipated to occur, the proposed activities would not be approved. Lands currently enrolled in CRP have already been evaluated for potential effects to historic properties in accordance with 1-EQ, and in most instances, earth disturbing conservation practices have already been installed. The Proposed Action does not allow for the purposeful destruction of any cultural resources. Therefore, cultural resources have been eliminated from detailed study in this PEA.

2.3.10 Environmental Justice

Emergency haying and grazing is voluntary and can only occur on lands currently enrolled in CRP. An assessment of environmental justice concerns associated with CRP was conducted in the CRP PEIS (USDA/FSA 2003b), and these concerns are not expected to be different with this Proposed Action.

2.3.11 Recreation

Emergency haying and grazing on the conservation practices outlined in the proposed action can only occur on lands currently enrolled in CRP and in drought-designated areas after the approval of a modified Conservation Plan. The Proposed Action has no impact on recreational activities and, therefore, has been eliminated from detailed study in this PEA.

2.4 Alternatives Selected for Analysis

2.4.1 Alternative A

Alternative A is the Proposed Action alternative. Under this alternative, CCC will authorize certain conservation practices previously not authorized for any type of haying and or grazing to be eligible under emergency haying and grazing provisions in drought-designated areas for 2012 only outside of the PNS. A modified conservation plan, addressing protected species, cultural resources and extraordinary circumstances, is required before haying and grazing could be performed. State Acres For wildlife Enhancement (SAFE) acres targeting threatened and endangered species and critical habitat are not eligible under this Alternative.

2.4.2 Alternative B

Alternative B is the No Action alternative and is carried forward in this PEA in accordance with 40 CFR 1502.14(d) to represent the environmental baseline against which to compare the other alternatives. Under the No Action alternative, no additional acres would be authorized for emergency haying and/or grazing. By not authorizing additional acres for emergency haying and grazing, there would be no benefit to farmers and ranchers during this time of extreme drought. Alternative B would allow all variations of haying and/or grazing to continue as they are currently authorized including any current levels of emergency haying and/or grazing as designated by CCC. The No Action Alternative does not meet the purpose and need of the Proposed Action, but is being carried forward for analysis in accordance with CEQ regulations in order to provide a baseline against which the impacts of the Proposed Action can be assessed.

3.0 AFFECTED ENVIRONMENT AND ENVIRONMNETAL CONSEQUENCES

3.1 Biological Resources

Biological resources include plant and animal species and the habitats in which they occur. For this analysis, biological resources are divided into vegetation and wildlife. Vegetation and wildlife refer to the plant and animal species, both native and introduced, which characterize a region. For this analysis, protected species will not be discussed. Protected species are species that have been federally designated as threatened or endangered and protected by the Endangered Species Act (ESA). The required modified conservation plan will determine if protected species will be affected. If protected species will be affected, the modified conservation plan will not be approved.

3.1.1.1 Vegetation

As lands within the entire U.S. and its territories may be enrolled in CRP, it is not possible to describe in detail all vegetation potentially present. As noted above, vegetation on lands that are eligible for enrollment is typically found on cropland, pastureland, rangelands, privately owned forests, riparian buffers, floodplains, and wetlands. The 2003 CRP PEIS provides a summary description of the general vegetation found on these eligible land types (FSA 2003) characterize the possible vegetation types of CRP conservation covers.

Since it is not possible to describe all vegetation potentially present on CRP eligible lands, and vegetation is so dependent upon climate and soils, this analysis further summarizes vegetation based upon major regional types utilizing the concept of ecoregions. Ecoregions are areas of relatively homogenous vegetation, soils, climate, and geology, each with associated wildlife adapted to that region. The Commission for Environmental Cooperation (CEC) Ecoregion Level I map (CEC 1997) was used to identify major ecoregions within the continental U.S. and provides summary descriptions of vegetative types found therein. There are ten CEC Level I ecoregions in the lower contiguous 48 States: Northern Forest, Northwestern Forested Mountains, Marine West Coast Forests, Eastern Temperate Forests, Great Plains, North American Deserts, Mediterranean California, Southern Semi-arid Highlands, Temperate Sierras, and Tropical Wet Forests (Figure 3-1). (FSA 2010) These ecoregions do not correspond to State or county boundaries.

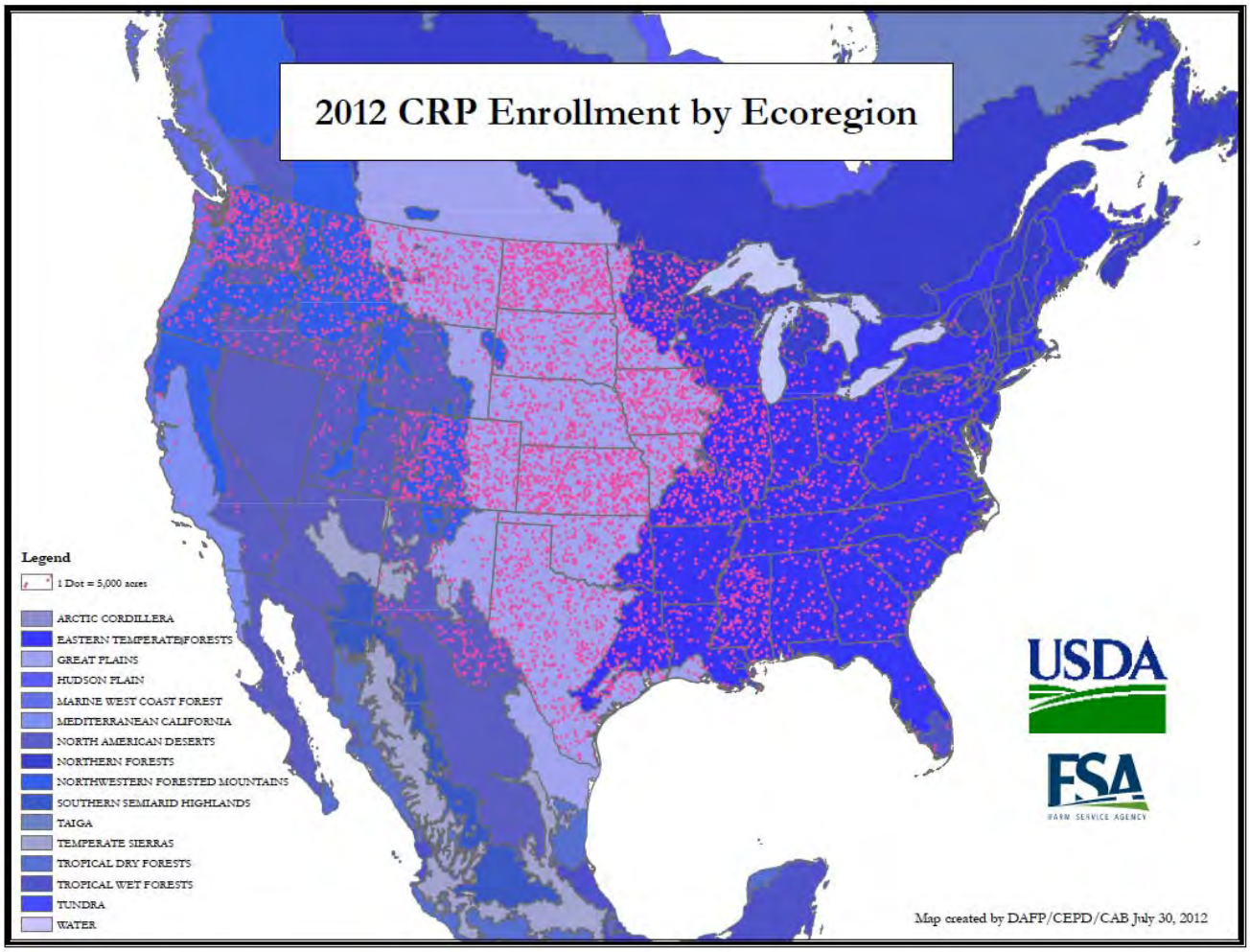

FIGURE 3-1 2012 CRP Enrollment by Ecoregion.

Lands eligible for CRP include cropland (lands used for the production of adapted crops for harvest including cultivated and uncultivated), hayland (cropland managed for the production of forage crops that are machine harvested including grasses, legumes, or a combination of both), horticultural cropland (cropland used for growing fruit, nut, berry, vineyard, and other bush fruit and similar crops including nurseries or ornamental plantings), irrigated cropland (land that shows evidence of being irrigated by ditches, pipes, or other conduits during the year of the inventory or of having been irrigated during two or more of the last four years), pastureland (land managed primarily for the production of introduced forage plants for livestock grazing which may consist of a single species in a pure stand, a grass mixture, or a grass-legume mixture), and rangeland (plant cover is composed principally of native grasses, grasslike plants, forbs or shrubs suitable for grazing and browsing, and introduced forage species that are managed like rangeland) (NRCS 2007b). Additional lands eligible for CRP include environmentally desirable lands that do not meet the crop history requirements such as wetlands, riparian areas, or rare and declining habitats. Conservation Practice covers include native and introduced species of

forested tree stands, grasslands, shrubs, forbs, and wetland plants. Plant species established under CRP are selected according to the purpose of the practice and particular characteristics of the land proposed for enrollment. Particular plants and seed mixes for each practice are developed by NRCS for every State and in some instances on a county-level. Under certain CPs, the CRP participant may choose a particular species to benefit (for example quail or duck nesting habitat), and the plantings are planned accordingly.

Climate greatly affects vegetation type and the health and vigor of plants. The average length of the growing season, or freeze-free period in the U.S. ranges from approximately 120 to 340 days (Farmer‘s Almanac 2009). Precipitation amounts vary widely across the U.S. with average annual precipitation ranges from less than five inches per year to greater than 180 inches per year (Linacre and Geerts 1998). Habitat types also vary in precipitation rates. For example, precipitation in the prairies can reach from about 12.6 inches in the shortgrass prairie to 21.7 inches in the tallgrass prairies (Blue Planet Biomes 2009). Climate variation throughout the U.S. affects the types of crops and conservation covers planted, irrigation requirements, the harvest period, crop yields, and the impacts of management activities – what may be beneficial in one area may have detrimental impacts in another.

Harvesting and grazing are activities currently allowed under CRP for certain approved conservation practices. Harvesting (tree thinning) may be allowed on tree plantings such as CP3, CP3A, CP11 and both harvesting or grazing may be conducted on introduced grass plantings (CP1), permanent native grasses (CP2), grasses already established (CP10), permanent wildlife habitat (CP4), permanent covers to reduce salinity (CP18B) and permanent salt tolerant covers (CP18C). Certain other CPs adjacent to cropland may be incidentally gleaned. Emergency haying and grazing can be authorized in certain circumstances, including drought. As of July 24, 2012, over 50% of the United States and Puerto Rico are considered to be in a moderate drought or worse and over 17% of lands are in an exceptional drought. (Drought Monitor 2012)

Unmanaged CRP grasslands can have thatch buildup (accumulation of dead plant matter) which prevents effective disking and/or interseeding efforts. Harvesting or grazing during the year prior to interseeding can greatly reduce mulch or thatch build-up. In order to maintain plant health and vigor, harvesting and grazing shall follow state specific NRCS Conservation Practice Standard 328 which stipulates the minimal stubble height for individual plant species and dates when harvest should not occur as determined by the dominant plant species of the stand, or twig removal for browse. If proper management techniques are not followed, the vigor of a plant stand can be reduced, leading to a greater potential for desirable plants, identified by the conservation practice, to be replaced by undesirable species such as woody plants. However, it has been shown that cattle grazing can produce disturbance that maintains diverse communities – both for native plant and aquatic diversity – in wetlands. (Marty 2005) With proper management techniques, light to moderate defoliation would improve the plants’ abilities to compete against undesirable species. Forest Service uses controlled livestock grazing as a tool to manage riparian areas, including wetlands. It is their conclusion that, through controlled implementation and best

management practices, grazing livestock can be an effective tool to improve riparian areas and livestock grazing range. (Forest Service 1989)

All of these activities associated with CRP have the potential to negatively impact vegetation if not conducted in accordance with existing practice standards, provisions, guidelines and the Conservation Plan. Prior to enrollment, a site-specific environmental evaluation would be conducted that identifies the particular vegetation species present and the potential impacts of the conservation practices and management practices (including haying and grazing) proposed for those lands. In the case of emergency haying and grazing, a modified Conservation Plan will be required to ensure that there will be no significant impacts to site-specific resources. Any authorized activity should not defeat the purpose of enrolling lands in the CRP or threaten the long-term viability of the conservation vegetative stand installed.

3.1.1.2 Wildlife

The geographic scale of the lands affected by the select provisions of the 2008 Farm Bill encompasses the entire U.S. and its territories; hence, a great variety of terrestrial and aquatic plant and animal species may be affected by the Proposed Action Alternatives. Given the national scale of CRP and the programmatic level of this analysis, it is not feasible to list all of the species that may be present on lands eligible for enrollment or already in the program, but broad generalizations based upon the organizing principle of terrestrial ecoregions can be made. Ecoregions are areas of relatively homogenous soils, vegetation, climate, and geology, each with associated wildlife adapted to that region.

Over the past four decades, populations of wildlife species have declined throughout the country. These declines have been attributed to loss of habitat associated with intensive farming, forest management, reforestation, advanced natural succession, fire exclusion, invasion of exotic plants, and urbanization (NRCS 2009b). Agriculture dominates human uses of land (Robertson and Swinton 2005). In the U.S., non-Federal, rural land uses comprise 71 percent of the contiguous 48 States (approximately 1.4 billion acres) (USDA 2007). In 2007, 920.1 million acres (47%) of the contiguous 48 States were devoted to crops, CRP, pasture, or rangeland uses (NASS 2009a). How these lands are maintained influences the function and integrity of ecosystems and the wildlife populations that they support.

Conservation Reserve Program lands including wetlands (installed under CP9, CP23, CP23a, CP27, CP31, and CP37) and forestlands (installed under CP3, CP3A, CP11, CP31, CP32, and CP36) provide extremely important habitats for a diverse assortment of wildlife. The CRP has been especially important where cropland had replaced native grassland on soils marginally productive for agriculture, such as the U.S. Prairie Pothole Region (PPR) (which includes portions of Minnesota, South Dakota, Iowa, Nebraska, North Dakota, Montana, and Wyoming. Losses of native grasslands to agriculture and other land uses have exceeded 56 million acres (62 percent) of the original 90 million acres of native grassland (Ducks Unlimited [DU] 2009). The

role of CRP in establishing and maintaining native and introduced grasslands in this region has helped to restore the wildlife, soil, and water quality values (Szentandrasi *et al*. 1995). It has helped reverse the decline in some species of grassland song birds, and has increased populations of ring-neck pheasants (*Phasianus colchicus*), Sharp-tailed Grouse (*Tympanuchus phasianellus*), and other upland game birds. In 2000, the USFWS decided not to list the Columbian Sharp-tailed Grouse under the ESA in substantial part due to the relative habitat security that CRP lands in Idaho, Wyoming, Colorado and Utah and other states provide for the species (Mitchell and Openshaw 2002; Hoffman and Thomas 2007; USFWS 2008a; Colorado Division of Wildlife 2009).

Lands in the CRP have both conserved and restored bird populations because they provide critical habitat during all periods of the year. During the spring and summer (PNS), CRP lands provide precisely the dense nesting cover needed by both migratory and resident bird species. During the winter, CRP lands help protect resident birds from predators and winter storms. Rather than plowed fields or isolated grassland patches, CRP lands provide extensive acreage of habitat for the benefit of many wildlife species. The benefit of a protected PNS will remain under Alternative A and Alternative B.

Common activities associated with CRP that have the potential to negatively impact wildlife are disturbance from installation, maintenance, and MCM of CPs. These activities may temporarily impact wildlife through direct soil or vegetation disturbance. Wildlife may be temporarily displaced during ground disturbing activities, but in some instances, suitable habitat may not be nearby, or may already have established wildlife at a capacity that cannot sustain additional animals in the long term. While some temporary negative impacts may occur during MCM activities, the results of MCM enhance wildlife habitat value by maintaining early succession environments such as grasslands, ensuring a diverse community is maintained that benefits the most species, and controlling noxious weeds and other invasive species. Other CRP management actions that may temporarily negatively impact wildlife include the application of herbicides and pesticides intended to ensure the long-term health of the conservation cover; however, use of these chemicals in accordance with NRCS practices standards and in compliance with applicable laws and regulations, in combination with BMPs as stipulated in the Conservation Plan, minimize the potential for negative impacts to wildlife.

Harvesting of CRP also has the potential to negatively impact wildlife. Haying and grazing grasslands can be cost effective tools that maintain early successional grassland environments and minimize the use of other measures such as chemical herbicides to control woody growth. Planned removal of vegetation also eases MCM activities such as disking and interseeding, and reduces wildfire hazards; however, planned removal of vegetation also at least temporarily removes wildlife habitat, and direct mortality due to conflicts of wildlife (especially grassland birds) with machinery is possible.

Prior to enrollment, a site-specific environmental evaluation would be conducted that identifies the particular wildlife species present and the potential impacts of the conservation practices and management practices (including haying and grazing) proposed for those lands. The site- specific evaluation would identify those situations where additional environmental evaluation under NEPA may be indicated.

3.1.2 Environmental Consequences

Alternative A – Proposed Action

Under Alternative A, both the direct and indirect impacts to biological resources from emergency haying and grazing would not be significant. If implemented, emergency haying and grazing on additional Conservation Practices in drought-designated areas would fulfill the purpose and need of the action. Haying and grazing that would not be properly controlled has the potential to cause significant damage to vegetation and soils, and may promote the introduction and spread of invasive plants; however, a modified Conservation Plan would tailor the activity to meet the specifics of the site and control of a particular invasive plant species, including timing, stocking rate, duration, and frequency. No significant negative impacts to vegetation, wildlife or protected species would occur under this alternative if the Conservation Plan is followed and adapted to resource conditions just prior to emergency haying and grazing. No emergency haying or grazing would be authorized during the PNS. The benefit of a protected PNS to wildlife will remain under Alternative A and Alternative B. The Proposed Action only allows emergency haying and grazing until August 31 and September 30, respectively. The short time period of the action will minimize the disturbance to habitat. SAFE acres targeting threatened and endangered species critical habitat would not be eligible.

Alternative B – No Action

Alternative B would allow continuation of the current forms of authorized harvest, haying, and grazing. The purpose and need would not be fulfilled and no relief would be given to those farmers, ranchers and livestock suffering from drought impacts. Environmental Assessments recently undertaken for 13 Midwestern and Western States found that haying and grazing under both managed and emergency conditions have the potential to significantly negatively impact vegetation if the amount of forage removed is excessive and prolonged, or if livestock is allowed to compact the soil. Any activity that threatens the long-term viability of the vegetative stand may also negatively impact wildlife and protected species. Likewise, these EAs found that the established PNS effectively protected many ground nesting grassland and sagebrush birds, fawning periods for several species of large mammals, nesting of many herpetofauna, and the period of greatest florescence of many invertebrates from direct impacts. Providing harvesting, haying, and grazing activities would be accomplished within the requirements of the Conservation Plan while ensuring these activities are frequent enough to optimally maintain early successional grasslands, but not too frequent such that significantly negative impacts to biological resources would occur, the health and vigor of the conservation cover would be maintained, benefiting vegetation, wildlife, and protected species. If established provisions,

standards, guidelines and the Conservation Plan are followed, and harvest plans are adjusted to resource conditions on the land just prior to haying or grazing, then no significant negative effects to biological resources would occur under the No Action Alternative.

3.2 Water Resources

Water resources within the United States are protected by the Clean Water Act (CWA) (33 USC 26 parts 1251 et seq., 2000). The Act is jointly enforced by EPA and the U.S. Army Corps of Engineers, with final authority resting with the EPA. The Act was created to protect stream and wetland water quality. It established the basic structure for regulating discharges of pollutants into the waters of the United States It gave EPA authority to implement pollution control programs such as setting wastewater standards for industry. The CWA also continued requirements to set water quality standards for all contaminants in surface waters. The CWA made it unlawful for any person to discharge any pollutant from a point source into navigable waters, unless a permit was obtained under its provisions. In conjunction with this broad goal, the 404b(1) guidelines require that all projects avoid or minimally impact waters of the U.S. Waters of the U.S. include rivers, streams, estuaries, coastal waters, and wetlands (wet meadows, swamps, bogs, etc.). Water Resources will be divided into the following categories: groundwater; surface water; and wetlands.

3.2.1.1 Groundwater

Groundwater is the water that flows underground and is stored in natural geologic formations called aquifers. It is ecologically important because it sustains ecosystems by releasing a constant supply of water into wetlands and contributes a sizeable amount of flow to permanent streams and rivers (FSA 2003). In the U.S. approximately 47 percent of the population depends on groundwater for their drinking water supply. Currently, irrigation accounts for the largest use of groundwater in the U.S., representing approximately 65 percent of all the groundwater pumped each day (McCray 2009).

Groundwater quality is protected under the Federal Water Pollution Control Act of 1972, better known as the CWA, and is administered by EPA. Drinking water is protected under the Safe Drinking Water Act of 1974 (PL 93-523, 42 U.S.C. 300 et seq.). The EPA defines a sole source aquifer (SSA) as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. An SSA designation is one tool to protect drinking water supplies in areas where there are few or no alternative sources to the groundwater resource. There are 73 designated SSAs in the U.S. and its territories (EPA 2009a).

Water in the saturated subsurface zone, or *phreatic zone*, contains the largest source of unfrozen fresh water in the world. The contribution of groundwater to the total water supply is greatest in arid and semi-arid regions, and large regions of irrigated agriculture in arid areas are entirely dependent on groundwater (Dunne and Leopold 1978).

In rural areas, almost all domestic water is supplied by groundwater. A clean, constant supply of drinking water is essential for every community across the country. In 2000, withdrawals of fresh groundwater for irrigation, and domestic uses in the U.S. totaled approximately 76,400 million gallons per day, or approximately 90 percent of the total fresh groundwater withdrawals for all water uses (84,500 million gallons per day) (Maupin and Barber 2005). Currently, water resources of all kinds have been impacted by the most severe drought in seven decades.

Groundwater is an important source of drinking water for more than half of the people in the U.S. Agricultural sources, including animal wastes, fertilizers, and pesticides, have a direct impact on groundwater quality and supply. Once groundwater becomes contaminated, it is often times very difficult and very expensive to correct. Nitrates, nitrites, phosphates, pesticides, petroleum products, and pathogens are among the most common and serious forms of groundwater pollution associated with agriculture. Agricultural practices that introduce contaminants into the groundwater include fertilizer and pesticide application, spilled oil and gasoline from farm equipment, nitrates, and pathogens from animal manure. For a more detailed discussion of groundwater quality, please refer to the 2003 CRP PEIS for a general overview.

When groundwater is used at a rate faster than it is replenished, the water table declines, land can subside, and the potential in coastal areas for saltwater intrusion into freshwater aquifers rises. If subsidence occurs from groundwater over-use, it is impossible for the capacity of the underlying aquifer to return to its pre-drawdown level. Groundwater supplies may also be altered due to natural causes. For example, years of below-normal precipitation can alter the amount of water entering the aquifer. Below normal precipitation also generally results in increased groundwater pumping, which can accelerate the groundwater depletion. Again, the current drought's scope, severity and duration have exacerbated the affects of groundwater demand for irrigation and livestock supply. The 2003 CRP PEIS provides a more detailed discussion of groundwater supplies.

The High Plains Aquifer, also known as the Ogallala Aquifer, is the Nation‘s most heavily used groundwater resource. The major use is irrigation, but nearly two million people also depend on the aquifer as a source of drinking water. The eight states that use water from the High Plains Aquifer include Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming. Nebraska hosts the largest segment and square mileage of the water source (Gurdak *et al*. 2009).

Scientists with the USGS analyzed water for more than 180 chemical compounds and physical properties in about 300 private domestic wells, 70 public-supply wells, 50 irrigation wells, and 160 shallow monitoring wells that were sampled between 1999 and 2004. The study also assessed the transport of water and contaminants from land surface to the water table and deeper zones used for supply, to predict changes in concentrations over time. Based on this investigation, the USGS concluded that water quality is generally acceptable for drinking as

more than 85 percent of the 370 wells used for drinking met Federal drinking-water standards. Nitrate, which is derived mostly from human sources such as fertilizer applications, was greater than the Federal drinking-water standard of 10 parts per million in about six percent of the drinking-water wells. None of the pesticides or volatile organic compounds detected exceeded drinking-water standards (Gurdak *et al*. 2009).

In 2002, U.S. irrigated farmland occupied 55.3 million acres, down one million acres from 1997. In recent years, national irrigated areas have stabilized at about 55 million acres as continuing growth in eastern States has been offset by declines in western States. Variations within the decades-long trend of increasing irrigated acres can largely be explained by year-to-year changes in four factors: farm program requirements, crop prices, water supplies in the West, and weather influences on the need for supplementary irrigation in humid areas. In general, there is an increasing reliance on irrigation in the humid East, with large concentrations of irrigation emerging in Florida, Georgia, and, especially, in the Mississippi Delta, primarily in Arkansas and Mississippi (NRCS 2006b).

Changes in total water withdrawals for irrigation reflect per acre efficiency gains, shifts in crop locations, and changes in acres irrigated. Averaged over all States and crops, the average water application rate has declined by over five inches (about 20 percent) since 1969, to levels below 20 inches per acre in 2003. Producers have adopted more water-conserving practices and shifted production of some commodities to more humid and cooler areas, requiring less supplementary water. Irrigation application rates can vary from less than six inches per acre (sorghum in the North-Central States) to more than 4.5 feet per acre (orchards in the Mountain States). Per acre declines in application rates have partially offset the need for additional water to supply the increase in irrigated acreage. Over the 1969-2003 period, irrigated acreage increased by over 40 percent while total water applied increased by only 11 percent (NRCS 2006b).

The retirement of cropland that overlies groundwater vulnerable to agricultural contamination is one way that CRP has helped to improve groundwater quality. In addition, surface water conservation practices (e.g., creating vegetated riparian zones) function to slow flood flow, which allows water to spread and soak into the soil, thereby recharging local groundwater and extending the baseflow through the summer season (Schultz *et al.* 1994). These vegetated riparian zones and conservation buffers can reduce pollutant concentrations in groundwater, notably nitrate concentrations (FSA 2003).

Converted cropland to CRP lands diminishes groundwater pumping needed to irrigate those areas that were once in production. The establishment of permanent native grasses and riparian buffers work to improve groundwater recharge rates, as native grasses require less water for growth, resulting in more percolation of precipitation into the groundwater. As demonstrated by

recent research, groundwater levels are higher under CRP lands than adjacent croplands (USDA 2008).

3.2.1.2 Surface Water

Surface water in rivers, streams, creeks, lakes, and reservoirs supports everyday life through provision of water for drinking and other public uses, irrigation, and industry. Of the approximately 408,000 million gallons per day of water used in the U.S. in 2000 approximately 323,000 million gallons per day (79 percent) came from fresh surface water sources (Maupin and Barber 2005).

Surface runoff from rain, snow melt, or irrigation water can affect surface water quality by depositing sediment, minerals, or contaminants into surface water bodies. Surface runoff is influenced by meteorological factors such as rainfall intensity and duration, and physical factors such as vegetation, soil type, and topography. The principal law governing pollution of the nation‘s surface water resources is the CWA. The Act utilizes water quality standards, permitting requirements, and monitoring to protect water quality. The EPA sets the standards for water pollution abatement for all waters of the U.S. under the programs contained in the CWA but, in most cases, gives qualified States the authority to issue and enforce permits.

The water quality of lakes, rivers, and streams is determined by the natural, physical, and chemical properties of the land that surrounds them. The topography, soil type, vegetative cover, minerals, and climate all influence water quality. When land use affects one or more of these natural physical characteristics of the land, water quality is almost always impacted. These impacts may be positive or negative, depending on the type and extent of the change in land use. If water quality is degraded severely enough, the impacts can be devastating for both human communities and for the ecological demands of those species that require clean water for survival. Agricultural practices have the potential to substantively affect water quality due to the vast amount of acreage devoted to farming nationwide and the great physical and chemical demands that agricultural use puts on the land. For a more detailed discussion of water quality, please see the 2003 CRP PEIS for a general overview discussion.

Currently in the U.S., pollution of assessed surface water bodies is widespread, according to the EPA‘s 2004 National Water Quality Inventory, which indicated that 44 percent of assessed stream miles, 64 percent of assessed lake acres, and 30 percent of assessed bay and estuarine square miles were not clean enough to support such uses as fishing and swimming. Approximately 30 percent of U.S. waters were assessed in this report. The leading causes of impairment included pathogens, mercury, nutrients, and organic enrichment/low dissolved oxygen. Top sources of impairment included atmospheric deposition, agriculture, hydrologic modifications, and unknown or unspecified sources (EPA 2009b). As a way to identify those bodies of water where water quality has been degraded and do not meet minimum water quality

standards, Section 303(d) of the CWA established a process for States to identify those waters within its boundaries that do not meet clean water standards. Waters that do not meet clean water standards are classified under the CWA as ―Impaired Waters‖. For priority waters, States develop total maximum daily loads (TMDLs) that identify the amount of a specific pollutant from various sources that may be discharged to a water body but still ensure that water quality standards are met for that body of water. The number of national cumulative TMDLs has increased since 1995. The number one pollutant group for these TMDLs is ―pathogens,‖ and the State with the most TMDLs is Pennsylvania (EPA 2009c). For a more detailed discussion on TMDLs, please see the 2003 CRP PEIS (FSA 2003).

Nonpoint source pollution occurs when moving water, either from precipitation or irrigation, runs over the land or through the ground, picks up pollutants, and deposits them into a body of water or into the groundwater. This type of pollution is referred to as ―nonpoint‖ because it comes from many diffuse sources and the origin of the pollutant cannot be easily defined. Nonpoint source pollution results from nearly every type of land use, and is the leading cause of water quality degradation in the Nation. According to the EPA‘s 2004 National Water Quality Inventory, throughout the U.S., agricultural activities represent the number one source of impairment in rivers and streams (EPA 2009b).

Nonpoint source pollution associated with agriculture practices that has the greatest impact on water quality is runoff that contains sediment, nitrogen, phosphorus, and/or pesticides. These four pollutants have been identified due to their potential to produce cumulative adverse impacts on human health and the natural environment (see Table 2.2-3 in the 2003 CRP PEIS). Sediments are loose particles of soil and other substances carried by runoff into a water body that settle to the bottom, or remain suspended in the water. Nitrogen and phosphorus, in the form of nitrates, nitrites, and phosphates, primarily originate from fertilizers and feedlots and enters the water through runoff. The majority of pesticides, which include herbicides, also enter waterways through runoff from agricultural lands.

Over the last several decades, agriculture has implemented conservation practices for working lands that have reduced soil erosion and agricultural chemical pollutants reaching surface water bodies. Conservation buffers are small areas or strips of land in permanent vegetation that help reduce potential pollutants entering surface waters through runoff and manage other environmental concerns. Grass filter strips, grassed waterways, field windbreaks, wetland restoration, and riparian buffers are all examples of conservation practices, or buffers providing this benefit (NRCS 2003b). Strategically placed buffer strips in permanent vegetation in and/or around row crops can effectively mitigate the movement of sediment, nutrients, pesticides and other pollutants within and from farm fields. Buffer strips conserve air and water quality, reduce soil erosion and protect the soil, creating sustainable agricultural landscapes. They also enhance fish and wildlife habitat, thereby protecting biodiversity (*Ibid*).

When coupled with appropriate cropland treatments including crop residue management, nutrient management, integrated pest management, winter cover crops and similar management practices and technologies, buffer strips should allow farmers to achieve a measure of economic and environmental sustainability in their operations (NRCS 2003b). While overall a benefit to surface water quality, conservation buffers are however, ineffective in reducing soluble nitrogen loadings from cropland with subsurface drainage systems as soluble nitrogen is more biologically available and as a result can enter receiving water bodies. For example, extensive subsurface drainage results in high rates of transport of soluble nitrate into streams and, eventually, to the Mississippi River and the Gulf of Mexico (USGS 2000).

Conservation Reserve Program contracts reduce soil erosion by hundreds of millions of tons each year. This reduction of erosion cleans streams, lakes, and other bodies of water by reducing sediment and preventing nutrient and pesticide runoff carried by eroded topsoil. Producers who enroll acreage in CRP reduce their application of pesticides and nutrients, thus largely eliminating CRP lands as a source of pollution. Most of the lands under CRP provide benefits to water quality; however, some provide more benefits than others. As a way to specifically target water quality, the USDA has listed those practices in their DM-9500 that most effectively address nonpoint source pollution. The CRP, CCRP, FWP, and CREP CPs aimed at water quality improvement include, but are not limited to:

- Maintaining already established vegetative cover (CP10 & 11)
- Establishing introduced grasses and legumes (CP1)
- Establishing native grasses (CP2)
- Establishing permanent wildlife habitat (CP4B & D)
- Establishing vegetative cover to reduce salinity (CP18B & C)
- Creation of riparian buffer zones (CP 22)

Practices aimed at managing, restoring, or creating wetlands are also used for the purpose of improving water quality due to their ability to effectively filter runoff or subsurface tile drainage.

In addition to the practices listed in DM-9500 that specifically address water quality, several other practices can also provide benefits to water quality conditions. These practices include tree planting (CP3), establishing grassed waterways (CP8), and maintaining already established grass areas (CP10). Under the current CRP, almost all the active acreage enrolled implement conservation practices targeted towards improving water quality.

The application of the conservation practices authorized under CRP for the acres enrolled in the program in general terms improve water quality. For example, the majority of soil erosion practices focus on establishing vegetative cover to protect soil and reduce runoff. The vegetation

in turn also has the ability to absorb excess nitrogen and slow surface transport of pesticides. Current conservation practices on CRP acres decrease the amount of contaminants flowing uninhibited off agricultural cropland into streams, lakes, and other water bodies. Although CRP does not focus specifically on addressing TMDLs, benefits to impaired waters do arise from the reduction in sediment and agricultural chemical pollutants reaching surface water. Additional information on specific impacts of CRP on water resources, please see the 2008 SEIS.

Conservation buffers filter sediment and nutrients that flow across established buffer covers, trapping soil and nutrients that enter from adjoining fields before they reach waterways. Because buffers are situated and designed to intercept runoff from other fields in the watershed, an acre of buffer has a greater impact than an acre of CRP field. Conservation buffers trap nearly 96.0 tons of waterborne sediment for each acre of buffer, or 2.5 tons of soil per acre of field CRP practice aims to buffer. As of March 2010, there are 2,008,991 acres of conservation buffers currently enrolled in the CRP (FSA 2010a). The current total annual reduction in sediment, nitrogen, and phosphorus loading is 192,863,136 tons, 248,331 tons, and 41,787 tons, respectively. Across all soil types, the amount of soil moving off a field is 99 percent lower for CRP conservation covers than for crop production that might otherwise occur. The estimated reduction in sediment loading averages 2.1 tons/acre nationally, and 6.5 tons/annually for States adjoining and east of the Mississippi River. Additional information on specific quantities and benefits of conservation buffers can be found in the 2008 SEIS.

Activities associated with CRP that have the potential to negatively impact water quality, but are generally not an issue are most often related to ground preparation for installation of conservation practices, MCM practices such as disking, prescribed burns, or tree thinning, use of herbicides and pesticides to maintain the health of the conservation cover, and harvesting activities such as haying or grazing. General minimization or BMPs to reduce potential impacts of these activities on surface water quality include not allowing haying or grazing within 120 feet of a permanent surface water body, installing temporary erosion control devices, and establishing buffer strips. Conservation plans will develop measures designed specifically to benefit the particular CP installed and any unique situations found on particular lands proposed for enrollment. Prior to acceptance into the program, a site-specific environmental evaluation would be performed that assesses potential impacts to surface waters and whether additional assessment under NEPA would be required. Before beginning emergency haying and grazing, a modified conservation plan would be required to assess the local impacts of this action.

Agriculture is a major user of surface and groundwater in the U.S. In 2000, approximately 31 percent of total surface water withdrawals were used for irrigation and approximately 68 percent of total groundwater production was used for irrigation. Collectively, irrigation water use represented 40 percent of the total water used in the U.S. in 2000, with groundwater accounting for 42 percent of the total irrigation withdrawals (USGS 2005). The decline in water availability, especially in groundwater basins, is resulting in increased competition amongst water uses,

particularly in urban areas. Water availability and increased energy costs are key drivers that require continued improvements to irrigation systems, enhanced irrigation water management, and increased water use efficiency (Hansen 2006). The current drought has exacerbated current water quality and quantity conditions across the United States.

Taking land out of agricultural production and enrolling it in CRP for the establishment of conservation practices has the potential to substantially reduce consumptive use of surface water for irrigation. As land is enrolled in the CRP, irrigation acreage is reduced, which results in less surface water being diverted for irrigation. As this happens (primarily in areas irrigated with surface water), stream flow in hydrologically connected reaches has the potential to increase; however, as most western surface water allocations are oversubscribed (i.e., the allocated volume is greater than the available supply during most years), as one user reduces or relinquishes their allocation, other users may claim the allocation unless regulatory authorities allocate the volume for in stream use.

In general terms, CPs 1, 2, 4, 33, and 37 have direct positive impacts to surface water quantity, as implementing these measures would reduce irrigation and thus increase surface water quantity. As an example, the CPs associated with planting native plants results in positive impacts to surface water quantity, as native plants require less water for growth. Specifically, implementing CP2, Native Grasses, results in improvements to water quantity by retiring irrigated cropland and in turn reducing the consumptive use of surface water resulting in less surface water being diverted. In general, native grasses use less water on an annual basis than other crops, and implementing CP2 results in net water savings. Thus, under CP2, a change from irrigated cropland to native grasses could be expected to have several beneficial effects on hydrology. Benefits include decreased overall runoff, decreased evapotranspiration, and increased overall stream flow.

As part of the PEA prepared for the Idaho CREP (FSA 2006), a detailed analysis of effects of water quantity was conducted. As estimated in the analysis, implementation of CREP in Idaho would decrease the amount of water used for irrigation, increasing the water available to area streams, lakes, reservoirs, and aquifers because the State of Idaho created a mechanism to claim the resulting increase in water availability for in stream use. Depending on the location of the enrolled CREP acres, the increase of surface water flow in the Snake River would be between 192,390 acre-feet to 206,935 acre-feet (*Ibid*), a significant increase in the amount of surface water available for other uses.

3.2.1.3 Wetlands

Wetlands are defined by the USACE as areas characterized by a prevalence of vegetation adapted to saturated soil conditions and which are identified based on specific soil, hydrology, and vegetation criteria defined by USACE (USACE 1987). Riparian wetlands are associated

with running water systems found along rivers, creeks, and drainage ways, and have a defined channel and floodplain. The CWA established a program to regulate the discharge of dredged or fill material into wetlands. The CWA further provides for regulations and procedures for the protection of wetlands and compensation for unavoidable impacts. The Food Security Act of 1985 contains provisions to discourage the conversion of wetlands into cropland. The swampbuster provisions deny Federal Farm Program benefits to producers who convert or modify wetlands for agricultural purposes as defined in the Food Security Act of 1985, Title XII.

Wetlands are described as the transitional lands between terrestrial and deepwater habitats where the water table usually is at or near the land surface or the land is covered by shallow water. In wetlands, the upper part of the soil is saturated long enough during the growing season for soil organisms to consume oxygen creating anaerobic soil conditions unsuitable for most plants. Soils formed under these hydrologic conditions are called ―hydric and the plants adapted to these conditions are called ―hydrophytes. Wetland hydrology, hydric soils, and hydrophilic vegetation are the three major indicators used to identify and characterize wetlands. For a more detailed discussion on wetlands, please refer to the 2003 CRP PEIS ―Riparian Areas, Floodplains, and Wetlands for a general overview of wetlands.

Major wetland types can be divided into two major groups: coastal and inland. Coastal wetlands are comprised of forested wetlands, scrub-shrub wetlands, tidal salt marshes, and tidal freshwater marshes. Inland wetlands are found within interior areas of the U.S. and not along the coasts. For more information regarding the major types of wetlands, please refer to the 2003 CRP PEIS.

Wetlands perform many functions that are important to society, such as improving water quality, recharging groundwater, providing natural flood control, and supporting a wide variety of fish, wildlife, and plants. Wetlands can maintain good water quality and improve degraded water quality of surface waters by intercepting and treating surface runoff. Suspended sediments and contaminants in the water are trapped, retained, and/or transformed through a variety of biological and chemical processes before they reach downstream water bodies. The 2003 CRP PEIS contains additional information regarding wetland functions and values.

The total wetland acreage in the lower 48 states is estimated to have declined from more than 220 million acres three centuries ago to 107.7 million acres in 2004, approximately 5.5 percent of the total land area (Dahl 2006).

Within the estuarine system, estuaries with emergent vegetation (plants that are rooted underwater and grow through the surface of the water – e.g., cattails) predominate, making up an estimated 73 percent (almost 3.9 million acres) of all estuarine and marine wetlands. As of 2004, estuarine shrub wetlands comprised up to 13 percent and unvegetated saltwater wetlands contributed 14 percent to the estuarine system. Among freshwater wetlands, freshwater forested wetlands comprised the single largest category (51 percent). Freshwater emergent wetlands

represented an estimated 25.5 percent, shrub wetlands 17 percent, and freshwater ponds 6.5 percent of the total freshwater wetlands (Dahl 2006).

Between 1998 and 2004, the USFWS estimates a net gain in wetlands of 191,750 acres (Dahl 2006). This equated to an average annual net gain of about 32,000 acres. These estimates have led to the conclusion that wetland area gains achieved through restoration and creation have outdistanced losses.

The net gain in wetland area was attributed to wetlands created, enhanced, or restored through regulatory and non-regulatory restoration programs. These gains in wetland area occurred on active agricultural lands, inactive agricultural lands, and other lands. Freshwater wetland losses to silviculture, urban and rural development offset some gains. Urban and rural development combined accounted for an estimated 61 percent of the net freshwater wetlands lost between 1998 and 2004 (Dahl 2006).

Intertidal wetlands declined by an estimated 28,416 acres from 1998 to 2004, an average annual loss of about 4,740 acres. The majority of these losses (94 percent) were to deepwater bay bottoms or open-ocean. Forested wetlands experienced a net gain of 548,200 acres. This can be explained by the maturation of wetland shrubs to forested wetlands. There was also a substantial increase of 12.6 percent in the number of open water ponds over the study period (Dahl 2006).

As part of the CEAP, the Wetlands Component aims to develop a broad collaborative foundation to facilitate the production and delivery of scientific data, results, and information by investigating 11 geographic areas of the conterminous U.S. Findings will routinely inform conservation decisions affecting wetland ecosystems and the services they provide, particularly focusing on the effects and effectiveness of USDA conservation practices and Farm Bill conservation programs on ecosystem services provided by wetlands in agricultural landscapes. The 11 CEAP-Wetlands regions were identified to capture geographic areas where historic wetland losses have been most pronounced due to agricultural activities and where significant USDA conservation resources have been invested to re-establish, manage or otherwise conserve wetland ecosystems and the services they provide (NRCS 2008b).

Currently, multiple studies are underway in seven of the 11 regions. The USDA defined the regions using geographic boundaries which incorporate regional intrinsic wetland values to facilitate a hydrogeomorphic approach to assessment (NRCS 2008b). Initial results indicate that overall CRP program impacts to wetlands are positive. For example, in the PPR, wetland restoration activities funded by the USDA have positively influenced ecosystem services in comparison to a cropped wetland baseline condition (Gleason *et al*. 2008). In addition, a recent investigation determined that constructed wetlands were shown to substantially reduce the movement of nitrate from tile drained fields into stream systems (Richardson *et al*. 2008).

Restoration of wetland hydrology changes soil chemistry by inundating or saturating the soils, creating anaerobic soil conditions. Most likely, the majority of wetland types restored have been prairie potholes, which are small, shallow water basins dotting the agricultural landscape in the northern Great Plains region. These generally closed basins would rely mainly on precipitations and surface runoff for hydrology and likely can range from temporarily to seasonally to permanently inundated. Under CRP and FWP, every restored wetland also requires a vegetative buffer at a minimum of 30 feet wide to protect the wetland from sediment, nutrients, and pollutants from agricultural runoff. These buffers provide additional soil stabilization and reduce erosion within the buffer.

Wetland and wetland buffers in CRP provide additional treatment; for example, suspended sediments and contaminants in the water are trapped, retained, and/or transformed through a variety of biological and chemical processes before they reach downstream rivers, streams, and other water bodies contributing to the reduction in TMDLs from agricultural runoff.

The establishment of vegetative covers, riparian buffers, and filter strips, and the restoration of wetlands, riparian areas, and floodplains would be applicable conservation practices to reduce nitrogen, phosphorus, and sediment runoff from agricultural lands identified as possible contributors to the hypoxic condition linked to the Mississippi River and its tributaries. Currently (as of March 2010), a total of 2,013,966 acres of wetland practices are enrolled in the CRP (FSA 2010a). Wetland practices in CRP include but are not limited to:

- Wetland Restoration – Floodplain (CP23)
- Wetland Restoration– Non-floodplain (CP23A)
- Farmable Wetland (CP27, CP28, CP39, CP40, and CP41)
- Bottomland Timber Establishment on Wetland (CP31)
- Other Wetland (CP9, CP30, and CP38 wetland)

As described in Chapter 1, in order for land to be eligible for enrollment in CRP, applicants must demonstrate they are in compliance with the swampbuster provisions of Section 1212 of the Food Security Act of 1985.

The on-going and historic implementation of CP construction and maintenance activities directly and indirectly impact wetlands. For example, site preparation earthmoving activities such as grading, leveling, and filling temporarily alter hydrology and increase sedimentation rates, potentially resulting in minor short-term adverse effects to wetlands. Maintenance provisions often include moving soil to repair dikes or buffer strips, which can result in increased sediment loading to wetlands. To reduce these short-term impacts to wetlands, a site-specific conservation

plan for each area is prepared and site-specific BMPs are used to mitigate any adverse impacts of implementing specific CPs. These impacts typically last only until the CP is permanently established. The impacts are considered minor compared to the overall long-term benefits of the CPs.

3.2.1 Affected Environment

As stated by the University of Missouri's FAPRI and the USDA FSA: "Water Quality is affected by soil and nutrients transported off the field in water. Both field and buffer practices affect these processes" (FAPRI/FSA 2007). FAPRI/FSA research indicates "across all assessed soil types, the amount of soil moving off the field in runoff is 99 percent lower for CRP conservation cover than for crop production that might otherwise occur" (FAPRI/FSA 2007). These reduced amounts of soil erosion also correlate to reduced nitrogen and phosphorus (overall losses are 95 percent lower and 86 percent lower respectively when comparing CRP and without CRP scenarios) (FAPRI/FSA 2007). Aside from covering highly erodible soils with conserving vegetative stands, the CRP often creates buffers between water bodies and actively farmed fields. Buffer actions also reduce sediment and nutrients helping to avoid water quality impacts from agricultural practices. Haying and grazing in general has the potential to directly and indirectly effect surface water quality. Livestock having access to surface water bodies may pollute water with nutrients mobilized by damage to stream banks and vegetation from trampling, and the addition of manure. However, haying and grazing provisions limit these activities to no closer than 120 ft of a permanent surface water body and these areas are fenced to confine livestock, minimizing this potential. The primary potential of haying and grazing to effect water quality rests in possible increased soil erosion caused by loss of vegetation which could lead to increased sedimentation of surface water. In addition, soil compaction from livestock can lead to excessive runoff, if not controlled. Potential negative effects on water quality not directly related to the frequency of haying and grazing are currently addressed by NRCS Conservation Practice Standards and are included within the Conservation Plan prepared for specific lands, prior to haying and grazing being approved. Measures to eliminate, minimize or mitigate any potential impacts to a less than significant level include restricting livestock access to surface water bodies, designing an appropriate stocking rate, limiting haying to 50 percent of a field in any given year, ensuring adequate measures are taken so that vegetation recovers prior to frost, ensuring livestock are adequately dispersed to prevent soil compaction and concentration of excess nutrients that could runoff into surface water. These measures are described in greater detail in Chapter 6: Mitigation.

3.2.2 Environmental Consequences

Alternative A – Proposed Action

Under Alternative A, both the direct and indirect impacts to water resources from emergency haying and grazing would not be significant. Although the Proposed Action would allow haying

and grazing on wetland-related CPs, any potential impacts to wetland quality, vegetation and viability would be addressed through the modification of the existing, site-specific Conservation Plan. Grazing that is not properly controlled has the potential to cause significant damage to vegetation and soils, indirectly negatively impacting water resources through increased rates of sedimentation of surface waters, potential increase in runoff and water velocity contributing to damaging floods, and reduced infiltration of water to groundwater sources; however, the Conservation Plan would tailor the activity to meet the specifics of the site and control of a particular invasive plant species, including timing, stocking rate, duration, and frequency. Further, impacts for all water resources will be limited due to the short duration of the haying an grazing under the Proposed Action – ending on August 31 and September 30, respectively. No significant negative impacts to water resources would occur under this alternative if the modified Conservation Plan and mitigation measures are followed and adapted to resource conditions prior to emergency haying and grazing.

Alternative B – No Action

Alternative B would allow continuation of the current forms of authorized harvest, haying, and grazing. Environmental Assessments recently undertaken for 13 Midwestern and Western States found that haying and grazing under both managed and emergency conditions have the potential to significantly negatively impact vegetation if the amount of forage removed is excessive and prolonged, or if livestock is allowed to compact the soil. Any activity that threatens the long-term viability of the vegetative stand may also negatively impact water resources through increased sedimentation and pollutant loading of surface waters and increased runoff velocity contributing to waterbank erosion and flooding.

Impacts to surface waters are currently minimized by prohibiting managed and emergency haying and grazing within 120 ft of permanent surface waterbodies, permitting no more than 50% of a field to be managed hayed, and a stocking rate no more than 75% of NRCS established rates. Adherence to NRCS Conservation Practice Standards which stipulate harvest criteria and exclusion of livestock from surface water further protect the vegetative stand and water resources. Properly managed haying and grazing activities are beneficial to ground cover as they mimic the natural disturbance regime which maintains the health and vigor of early successional grassland environments.

No significant negative impacts to water resources would occur from emergency haying and grazing if these activities are completed in accordance with existing standards, provisions, and guidelines, and the parameters for conducting these activities are stipulated in the modified Conservation Plan that would be adjusted to resource conditions on the land prior to conducting these activities.

3.3 Soil Resources

Soils are a natural body made up of weathered minerals, organic matter, air, and water. Soils are formed mainly by the weathering of rocks, the decaying of plant matter, and the deposition of materials such as chemical and biological fertilizers that are derived from other origins. Soils are differentiated based on characteristics such as particle size, texture, and color, and classified taxonomically into soil orders based on observable properties such as organic matter content and degree of soil profile development (Brady and Weil 2002). Soil taxonomy was established to classify soils according to the relationship between soils and the factors responsible for their character (NRCS 1999). Soil taxonomy has organized soils into four levels of classification, the highest being the soil order. For the purposes of this analysis, soil resources include all soil orders within the U.S. At this broad level of classification, there are twelve soil orders: Alfisols, Andisols, Aridisols, Entisols, Gelisols, Histosols, Inceptisols, Mollisols, Oxisols, Spodosols, Ultisols, and Vertisols.

3.3.1 Affected Environment

As of June 2012, about 24.3 million acres of land were enrolled in the CRP program, of that about 5.3 million acres were enrolled in the CCRP leaving a balance of about 19 million acres in General Signup contracts. The bulk of the General Signup contracts are on HEL (land having an EI greater than eight). These contract acres are comprised of hundreds of thousands of soils and literally millions of individual soil map units that are used to determine cropland eligibility.

According to NRCS, soil quality is the capacity of a given soil to function within natural or managed ecosystems to sustain plant and animal productivity, maintain or enhance water and air quality, and support human health and habitation (NRCS 2001). The 2003 CRP PEIS provides a discussion of the factors affecting soil erosion, types of erosion, and its relation to land cover and land use (FSA 2003), but the following provides a brief overview. Soil has several functions, including regulating water, sustaining plant and animal life, filtering potential pollutants, cycling nutrients, and supporting buildings and structures. Management choices affect the amount of soil organic matter (SOM), soil structure, soil depth, water, and nutrient holding capacity. Erosion is the wearing away of the earth‘s surface by wind and water. The erosion potential for the various soil orders is highly variable and is influenced by such factors as soil type, amount and type of vegetation present, degree of disturbance, and weather conditions. Site-specific studies would be necessary to determine a specific erosion potential; however, a list of soils considered highly erodible has been developed and maintained on a county level by NRCS. Soils susceptible to erosion are identified using the EI that provides a numerical expression of the potential for a soil to erode based on factors such as topography and climate. The index value is derived from the RUSLE2for water erosion, and the WEQ for wind erosion. The RUSLE equation is A = RKLSCP and takes into account rainfall/runoff (R), soil erodibility (K), slope length (L), slope steepness (S), cover management (C), and supporting practices (P). The WEQ equation is E = f(IKCLV). The factors for the WEQ are as follows: E is the erosion in tons per acre per year, f

means that it is a ―function of‖, I is the inherent erodibility of the soil from wind, K is a soil roughness factor, C is a climate factor that varies by county, L is a field width factor, and V is a factor for estimating surface residue cover.

A study completed by the FAPRI-UMC (2007) indicates that, on average across the nation, we find that soil, nitrogen, and phosphorus losses (water and wind combined) are reduced by an estimated 12.1 tons, 25.6 pounds, and 6.4 pounds, respectively, per acre per year on CRP land. While General Signup practices reduce sheet and rill erosion on HEL, Continuous Signup buffer practices filter and trap sediment and nutrients that flow across the established buffer. The FAPRI-UMC (2007) study estimates that ―nearly 96.0 tons of waterborne soil are retained by each acre of buffer per year.‖ In contrast, a study sponsored by the CEAP modeled soil loss associated with crop production with the purpose of identifying cropland areas of the country that would benefit the most from the application of conservation practices for working lands (Potter *et al.* 2006).

The study found critical acres with sediment loss and nutrient loss estimates in the top 15 percent nationally, wind erosion rates in the top six percent nationally, and soil quality degradation indicator scores in the bottom 15 percent nationally are concentrated in six areas:

- Cropland in the Lower Mississippi River Basin below St. Louis and the lower reaches of the Ohio River;
- The Chesapeake Bay watershed in Maryland and Pennsylvania;
- The southern two-thirds of Iowa and parts of Illinois and Missouri adjacent to Iowa;
- Along the Atlantic Coastal Plain stretching from Alabama to eastern Virginia and Delaware;
- In northwestern Texas; and
- Selected cropland regions in the West.

Enrolling cropland in CRP clearly benefits soil quality and health; however, there are CRP activities which have the potential to negatively impact soils. These are most often associated with preparing the ground for installation of the conservation cover or practice, certain maintenance and MCM practices, and harvesting CRP lands. Practices that may have a negative impact on soils include: ground disturbing activities (tillage) during establishment; MCM practices such as prescribed burning, tillage or herbicide application for cover enhancement, and thinning for timber stand improvement. Generally these are practices that leave the soil exposed to wind and water erosion. In addition, managed harvesting of CRP lands may expose soil to wind and water erosion, but the impacts are minimal as there is residual cover and living plants to protect the soil surface. General minimization (BMPs) or mitigation measures may include

timing the measures to minimize exposure during periods of high potential erosion, rotating the measures to different fields each year or applying to only part of the field each year (e.g., do one third of each field each of three years for MCM or harvest), or interseeding covers of grasses or legumes after tillage. Conservation plans will develop measures designed specifically to benefit the particular CP installed and any unique situations found on particular lands proposed for enrollment. Prior to acceptance into the program, a site-specific environmental evaluation would be performed that assesses potential impacts to soils and whether additional assessment under NEPA would be required. Prior to emergency haying and grazing, this Conservation Plan must be modified to address any site-specific issues and mitigate any potential impacts. The geographic scale of the lands affected by the proposed action encompasses the entire U.S. and its territories; hence, a great variety of soils and cropping systems may be affected by the alternatives analyzed in this PEA. Given the national scale of CRP and the programmatic level of this analysis, it is not feasible to analyze all of the soils and associated cropping systems that may be present on lands eligible for enrollment, but broad generalizations can be made based on soil orders (FSA 2010).

Order	Description
Alfisols	A dark surface horizon mineral soil, similar to mollisols however, lacking the same level of fertility and more acidic.
Andisols	Soils of recent volcanic origin having cinders and volcanic glass. Typically found in the northwest and in Alaska.
Aridisols	These soils are found in the arid regions of the U.S. Typically high in calcium, magnesium, potassium and sodium. The soils have an alkaline pH.
Entisols	This soil order is relatively un-weathered. These soils have no diagnostic horizon development. Often found on floodplains, glacial outwash areas and other areas receiving alluvial materials.
Gelisols	Soils formed in very cold climates. Soils have permafrost within 100 cm (40 inches) of the surface.
Inceptisols	Soils of the humid and sub humid region. Weathering has created minimal diagnostic differentiation in the soil column.
Histosols	Soils high in organic carbon. Dark surface profile. Often associated with wetlands.
Mollisols	Dark colored mineral soils developed under grassland conditions. Rich in nutrients, very fertile. Associated with America's corn belt.
Oxisols	The most highly weathered soil order. These soils are found in the tropics and sub-tropics. They are acidic and low in basic plant nutrients.
Spodosols	These soils have undergone significant weathering. Organic carbon, aluminum and often iron has been translocated to a lower horizon referred to a spodic horizon. These soils are acidic and may have deleterious levels of aluminum in the subsoil.
Ultisols	Highly weathered soils found in hot, moist regions. Typically acidic and low in available nutrients.
Vertisols	Soils having significant amounts of expanding clay content. Soils typically crack when dry and swell when wet.

TABLE 3-1: Soil Orders and Descriptions

3.3.2 Environmental Consequences

Alternative A – Proposed Action

Alternative A would expand emergency haying and grazing on drought-designated areas on certain CPs (8a, 23, 23a, 27, 28, 37 and 41 and haying on CP25). Impacts to soil resources would be similar to those described in the No Action Alternative; potential negative impacts may be minimized using the same methods. Alternative A would satisfy the purpose and need of the action by providing relief to farmers and ranchers suffering the effects of the current drought. No significant negative impacts to soil resources would occur under Alternative 1 if the Conservation Plan is followed and adapted to resource conditions just prior to harvesting or grazing activities, the CPs authorized for harvest or routine grazing do not change, and State-level NEPA is accomplished for any proposed changes to the PNS, timing, and frequency of these activities prior to implementation.

Alternative B – No Action

The Alternative B would allow continuation of the current forms of authorized harvest, haying, and grazing. EAs recently undertaken for 13 mid-western and western States found that haying and grazing under both managed and emergency conditions have the potential to significantly negatively impact soils if the amount of vegetative cover removed is excessive and prolonged, or if livestock is allowed to compact the soil. Any activity that threatens the long-term viability of the vegetative stand may also negatively soils through increased erosion.

Impacts to soils are currently minimized by permitting no more than 50% of a field to be managed hayed, a stocking rate no more than 75% of NRCS established rates, and adherence to NRCS Conservation Practice Standards which stipulate harvest criteria and measures to ensure dispersion of livestock. No significant negative impacts to soil resources would occur from harvesting or grazing if these activities are completed in accordance with existing standards, provisions, and guidelines, and the parameters for conducting these activities are stipulated in the Conservation Plan that would be adjusted to resource conditions on the land prior to conducting these activities.

3.4 Socioeconomics

Previous socioeconomic analyses pertaining to CRP participation generally include detailed investigations of the prevailing population, income, and employment conditions of a community or Region of Influence (ROI) (USDA/FSA 2010); this section tiers to the 2010 CRP Final SEIS with respect the overall socioeconomics of participating in CRP. However, in the context of this analysis, socioeconomics will simply examine the current economic conditions linked to the current extreme drought conditions and how those are influencing the economic situation in the United States based on the analysis already established in the 2010 CRP Final SEIS.

3.4.1 Affected Environment

The 2012 drought has rapidly increased in severity over the past month with 62 percent of farms being located in areas experiencing drought. Based on the 2010 value of production, about 2/3 of all crops and 2/3 of all livestock are produced in areas that are experiencing at least moderate drought. Additionally, 44 percent of cattle production, and almost 40 percent of corn and soybean production, are in areas experiencing at least severe drought. This has put extraordinary pressure on tight forage supplies set against the context of very tight old crop feed grain and protein meal supplies. As pasture and hay conditions continue to deteriorate daily with high temperatures and the lack of rainfall, the pressure on the livestock sector will continue to intensify. A ten percent fall in average hay yields from last year will result in the lowest hay production since 1988.

Even before the 2012 drought crisis, the hay market was extremely tight as harvested acres in 2011 fell to the lowest level on record, at 55.6 million acres, reflecting strong crop prices that diverted some ground and drought in the southwest. Pulled down by dismal yields in the southwest, the average US yield fell 11 percent, or more than 14 million tons, to 131.1 million acres pulled down by dismal yields in the southwest. The national average price for the 2011/12 marketing year (May-Apr) for all hay spiked to $175 per ton, surpassing the old record high of $152 set in 2008/09.

Intended hay acreage for 2012 was up only modestly, at 57.7 million acres, still historically low (second only to 2011). Declining yield potential will likely mean a reduction in 2012 production and probably challenge the recent low output of 1988. US pasture and range conditions as of July 15 show 54 percent in very poor or poor condition, up from 32 percent a year ago. Conversely, the share rated as good or excellent is currently only 18 percent, compared with 46 percent a year ago. Because the conditions are so poor in a wide area, there will be less scope to ship hay from better areas to hard hit regions.

Given the current and expected impacts to corn and other crops, The U.S. Economic Research Service expects an increase in the farm price of corn which will affect the price of other crops and other inputs in the food supply. An expected 3-4% increase in the price for such commodities s is expected in 2013, creating lasting effects for farmers, ranchers, rural communities and the economy. (USDA 2012) The extent of participation under this voluntary program and the benefit on the individual basis cannot be determined.

Feed Use

In addition to hay yields, the drought is likely to further reduce corn and soybean production, causing significant ramifications to both the livestock and poultry sectors,. Livestock producers were particularly vulnerable to rising prices and tightening supplies after a period of high feed prices and record high corn crop predictions for this fall. The national cash corn and soybean

prices hit a record $7.80 and $16.10 per bushel, respectively, on July 31, 2012, according to DTN. Soybean meal is also record high, and is approaching $500 per ton, compared with an average of $365 last year. The price of another popular feed, distillers' grains, that provides both energy and high protein, is also soaring in the face of strong demand and some slippage in production. DTN reports the price of dried distillers' grains has spiked $40 per ton in the last 3 weeks and is now over $250 per ton. Although prices are nearing the peak for end users, it is predicted that these prices will stay high and possibly continue to rise.

There continues to be the potential for a further reduction in feed supplies as all indications show the drought and heat have not improved in the first half of July. If the national average corn yield falls another 10 bushel per acre from the July projection, this would reduce corn production by 900 million bushels. If harvested acres are reduced 3 million acres, this would reduce production by an additional 400 million bushels, for a total of 1.3 billion bushels, a national disaster. Some of the acres not harvested for grain will be chopped or ensiled, but this would still be limited in impact, given the relatively low feed value of drought damaged corn.

Cattle Ranchers

Recent history has exacerbated current conditions for cattle ranchers. The 2011 drought forced cattle ranchers to trim back their herds and calves skipped backgrounding; going straight to feedlots. Some ranchers were forced to sell off their entire herds. Prices for cull cows are declining at present as ranchers send older cows to slaughter. Unlike crop producers who may realize higher prices or may benefit from crop insurance, most livestock producers will not benefit from higher meat prices until later in the year. Cash flow problems will be severe with no likelihood of lower feed costs in the near term.

Many producers will have to start paring back breeding herds as well. Any increase in beef and hog slaughter could temporarily reduce consumer prices for red meat, but lead to increases in the longer run. The poultry sector could reduce production unless they can increase retail prices enough to cover skyrocketing feed costs, with more exposure to record protein meal costs.

Dairy Farming

The current drought is expected to be severely detrimental to dairy farmers. Sixty-two percent of the milk cow inventory is within drought-impacted areas. The drought directly reduces the amount of forage that herds can obtain through grazing and increases feeding costs for grazing-based operations that need to buy supplemental feed. All dairy operations that use concentrated feeds based on corn and soybean meal are negatively impacted by the feed's higher price and/or lack of availability.

About 88 percent of corn acreage and 68 percent of the alfalfa hay acreage is within drought areas, and corn, soybean meal and alfalfa hay prices have recently increased significantly. With

the drought, feed costs during July have increased significantly. For example, cash corn price quotes (DTN) in southern Wisconsin, a major dairy area, averaged $8.16 per bushel on July 30 and forward bids for October were only 20 cents lower. The price of distillers dried grains, a very popular dairy feed, has soared to an average Wisconsin price of $272.50 a ton the week of July 23, up more than $60 a ton in the last 6 weeks. The milk-feed price ratio has been 1.35 in May and 1.38 in June 2012—compared to 1.45 in 2009. A value near 2.0 has historically been required for a stable dairy herd. Milk cow numbers have been shrinking in recent months with a 30,000 cow reduction in herd size by June from the recent high in April. Further reductions in herd size are expected for July as weekly dairy cow slaughter has been running 10 percent above a year ago for the first two weeks of July. Milk prices received by farmers are expected to increase about 10 percent in the last half of 2012 from the recent low of $16.10 per hundredweight in June. However, it is unlikely that this increase will keep pace with increases in feed costs, given the expected impact of the drought.

3.4.2 Environmental Consequences

Alternative A – Proposed Action

Implementation of Alternative A would result in minor socioeconomic effects. If implemented, allowing emergency haying and grazing on additional practices in drought-designated areas would generate substantial societal benefits as the negative effects of the drought have been substantial on farmers and ranchers, rural communities and across the nation. A payment reduction would continue to be assessed for emergency haying and grazing activities as it is not feasible for FSA to determine the actual value of these activities for every field CRP participants propose to harvest. As such, the overall socioeconomic effects would be similar to the No Action Alternative, but may be somewhat greater due to the potential for the local benefits. No significant negative socioeconomic impacts would occur under this alternative.

Alternative B – No Action

Continuation of current harvest, haying and grazing activities under the No Action Alternative would likely create only minor changes to hay production and grazing on CRP acres. Current production practices are fairly small when compared to total production values within the combined counties containing those CRP acres and total production at the State level. The effects are likely to remain minor due to: 1) the economic value of haying or grazing may not be worth the 25% reduction in annual rental rate payments and/or the transactions costs for obtaining permission to hay or graze may be too high; 2) generalized market effects on the hay market would likely be very small; and 3) broader economic effects would approach zero, since operators would only participate in haying or grazing if production value is worth at least the 25 percent payment reduction at the point where the marginal costs and benefits are equal, although negative impacts could occur on a local level in less diversified areas. The No Action Alternative

would be less beneficial than the action alternative because it does not address the purpose and need of the action. No significant negative impacts would occur under the No Action Alternative.

4.0 CUMULATIVE EFFECTS

4.1 Introduction

CEQ regulations stipulate that the cumulative effects analysis within a PEA should 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.

Managed haying and grazing allows producers to harvest hay or allow grazing of specific practice acreage at express intervals while maintaining the CRP cover to fulfill its intended conservation purposes. In this PEA, the affected environment for cumulative impacts are lands currently enrolled in CRP, have an approved conservation plan in place based on the CPs identified in their contract, and current CRP lands with conservation practices already installed that could support some form of haying and grazing. For the purposes of this analysis, other Federal and State conservation programs pertaining to haying and grazing of privately held conservation lands are the primary sources of information used in identifying past, present, and reasonably foreseeable actions.

4.2 Other Federal and State Haying and grazing Programs on Conservation

In addition to emergency haying and grazing, there are other types of grazing authorized on CRP lands. Additionally, there are Federal and State conservation and assistance programs that allow producers to hay and graze on private lands. Table 4-1 summarizes major Federal conservation programs. (Barbarika 2012) The primary purposes for allowing haying and grazing on CRP and privately held conservation lands are vegetation maintenance to enable the conservation cover to fulfill its intended purposes most effectively and economically, and to supplement livestock feed or provide emergency feed during extreme circumstances.

Federal haying and grazing related programs on privately held conservation lands are voluntary and enrollment cannot be predicted. Under CRP provisions, and all other Federal conservation programs, no producer can receive duplicate Federal payments for the same conservation activity on the same lands, and there is typically a cap on the amount one producer can receive for each program. Further, no other CRP harvesting or grazing may occur on managed hayed or grazed CPs outside of the established frequency interval, except emergency haying and grazing, and no

CRP lands may have both managed haying and grazing conducted on the same field in the same year based on the requirements of the conservation plan.

Federal Conservation Programs	Approx. Acres (Thousands)
Conservation Reserve Program	24.289
Wetlands Reserve Program	2.495
Environmental Quality Incentives Program (EQIP) FY2011	38.352
Wildlife Habitat Program (WHIP) FY2011	3.856
Grassland Reserve Probram (GRP) FY2011	0.576
Farm and Ranchlands Protection Program (FY2011)	0.419

TABLE 4-1: Total Acres for Major Federal Conservation Programs

4.3 Cumulative Effects Analysis

In this PEA, the affected environment for cumulative impacts is CRP land currently enrolled with conservation practices already installed that support haying and grazing. For the purposes of this analysis, the goals and plans of Federal and State programs authorizing haying or grazing on privately held conservation lands are the primary sources of information used in identifying past, present, and reasonably foreseeable actions. Cumulative impacts are assessed for the analyzed resources under all of the alternatives analyzed.

4.3.1 Proposed Action – Alternative A

Alternative A would allow emergency haying and grazing on certain conservation practices in drought-designated areas in 2012 only. This action would have no significant negative impact on vegetation, wildlife, water quality, and soil resources. Short term emergency haying and grazing may have minor positive impacts by rejuvenating vegetation in buffers and improving the current condition of other conservation practices. The direct effect of emergency haying and grazing on vegetation consists of vegetation removal through these harvesting activities. This direct effect of this Alternative is limited to one hay cutting and all grazing must be concluded by September 30, and is thus short-term and localized.

Emergency haying or grazing requires that the existing conservation plan be modified to reflect current local resource conditions prior to approval of the activity. If the resource conditions do not permit the current conservation plan to be implemented as constituted, it would be modified by NRCS or TSP, or the activity would not be approved by FSA. Participants are required to monitor resource conditions during the activity to ensure either haying or grazing is not producing unacceptable negative impacts to local environmental resources. Provided these

established provisions, standards, and guidelines are followed, there are no cumulative direct adverse effects on vegetation expected under Alternative A.

The Audubon of Kansas expressed concerns over the impact of haying on CP-25 on habitat (Appendix B), especially that of the Lesser Prairie Chicken. Although the proposed action has the potential to negatively impact these resources, the impacts will be mitigated through the short duration of allowed haying (less than one month), not allowing haying or grazing on SAFE acres approved for T&E species or critical habitat, the modification of the site-specific Conservation Plan and through the extensive requirements outlined in Chapter 5.0 Mitigation Measures.

Direct effects on wildlife occur from conflicts with haying machinery or trampling by grazing livestock that may result in mortality. This direct effect is limited to one hay cutting and all grazing must be concluded by September 30, and is localized to the specific field on which the activity takes place. As stated previously, there are no quantitative studies of wildlife mortality related to varying frequencies of intervals between haying and grazing on particular CRP conservation covers that are eligible for these harvesting activities. Most quantitative studies conducted to date center on impacts to ground nesting birds. Under managed haying and grazing provisions, neither activity may take place during the PNS as established in Alternative A; however, this period has been shown to not encompass the entire peak nesting and brood rearing season for several species of grassland birds. Haying has more potential to directly impact mortality than grazing; previous studies of mortality impacts of grazing on grassland birds are largely anecdotal and utilized simulated or artificial nests (USDA/NRCS 2006). As summarized in *Migratory Bird Responses to Grazing* (Ibid.), the literature is conflicting; however, clearly, the per acre stocking rate would be an important factor, as would the presence of species that nest in high densities. To represent the worst case possible, the mortality analysis conducted in this assessment selected the ground nesting grassland bird with the greatest portion of its peak nesting and brood rearing period not protected from haying by the defined PNS. If the decision to hay is made on an economically rational basis, the acreage viable for managed haying is usually less, and the mortality rate is calculated at 0.4 percent. It is not possible to predict how often or where emergency haying or grazing may be conducted. No cumulative negative effect to grassland bird mortality is expected under Alternative A.

Direct impacts on other types of wildlife populations are more difficult to assess with existing data. As presented in Chapter 4 of this document, most other types of wildlife are not significantly negatively affected on a population level. Conflicts with large mammals are expected to be minimal since they easily avoid the machinery associated with haying and livestock, and standard provisions and guidelines do not permit haying or grazing in seasonal calving or birthing areas. Smaller animals such as small mammals (rabbits, voles etc.), amphibians, or reptiles may experience direct mortality impacts, but these are expected to be minimal and not negatively affected on a population level. Direct effects of haying and grazing to invertebrate mortality has been more closely studied, however, it is difficult to extrapolate the

data to reproductive success. However, many studies have also shown that particularly grazing increases abundance and diversity of invertebrates.

Assuming that managed haying and grazing is conducted in accordance with all applicable established USDA conservation practice provisions, standards and guidelines, the key to minimizing potential for indirect negative effects from haying and grazing to vegetation, wildlife, water and soil is adapting the conservation plan to take into account local resource conditions just prior to authorizing either activity to proceed.

Most of the time, the reduced stocking rate for grazing, minimal stubble height limits to ensure adequate vegetative recovery before frost, limiting haying to 50 percent of the CRP field to ensure habitat is available the following year, and precluding either activity within 120 ft of a permanent surface water body are adequate measures to protect these resources. However, if not enough precipitation follows the conclusion of haying and grazing to enable the recovery of the vegetation by the next growing season, the health and vigor of the plant stand and vegetative structure providing habitat for wildlife may be damaged. Participants are required to monitor resource conditions during haying or grazing to ensure either activity would not have unacceptable negative impacts to environmental resources. In the event a conservation cover fails due to the actions of the participant, they are required to re-establish it, or all payments received under that CRP contract must be re-paid to the government.

Drought over large areas would cause declines in all wildlife habitat, and many species' reproductive success is correlated with adequate precipitation (for example, see Niemuth et al. 2008). Studies have shown that in areas where little quality habitat exists for wildlife, the potential benefits of habitat found on CRP lands are more pronounced (for example, see Riffell et al. 2006). It follows, then, that the potential negative effects on wildlife associated with declining habitat quality on CRP lands could be more amplified in these settings at a local scale, but is not likely to reach a significant magnitude. Emergency haying and grazing would be authorized after conditions four months prior to the proposed activity are severe enough to meet the required provisions. Before haying or grazing under emergency provisions would be approved for specific land, the condition of resources on the land would be assessed and the conservation plan designed to take these conditions into account. It is not likely that land hayed under managed provisions the previous year would be hayed the following year under emergency provisions, minimizing the potential for cumulative indirect negative effects from emergency haying. Emergency grazing may occur on land that was grazed the previous year under managed provisions, but at least 25percent of the field must not be grazed or the stocking rate can only be a maximum 75 percent, minimizing the potential for cumulative indirect negative impacts to environmental resources. Therefore, no cumulative negative indirect effect to vegetation, wildlife, water, soils, or carbon sequestration (air quality) is expected under Alternative A.

4.3.2 No Action - Alternative B

. The program and provisions outlined in current CRP regulations would remain in effect with no emergency haying or grazing authorized on current ineligible CPs. The drought conditions would continue contingent upon the amount of precipitation received perpetuating the current adverse local environmental impacts America's farmers and ranchers are already dealing with. Under this Alternative, farmers and ranchers impacted by the extreme drought would have to find alternative means and measures to maintain the health of their livestock without utilizing the currently ineligible CP acreage under CRP emergency haying and grazing provisions.

4.3.3 Unavoidable Impacts of the Alternatives

4.3.3.1 Proposed Action – Alternative A

Unavoidable impacts of haying and grazing under Alternative A are expected from direct mortality effects on wildlife. Representative probabilistic quantitative studies of potential mortality impacts to wildlife from haying or grazing are lacking. However, because CRP lands are not the only habitat available for wildlife, and emergency haying and grazing will be short in duration, the requirement of an approved conservation plan would reduce any local impacts to a level that is not expected to be significant.

In addition, vegetation removal through harvesting by haying or grazing under Alternative A would unavoidably impact vegetation during the allowed emergency haying and grazing time frame. If the modified conservation plan takes into account local resource conditions on the land just prior to emergency haying or grazing, and if all established applicable conservation practice provisions, standards, and guidelines are followed, this impact would not be significant.

The incremental contribution of impacts of Alternative A, when considered in combination with other past, present, and reasonably foreseeable actions, are expected to result in long-term positive impacts to biological resources, surface water bodies, and soil. Possible negative impacts may occur on wetlands or specific habitats but these impacts are predicted to be minor and short-term.

4.3.4.2 No Action – Alternative B

The program and provisions outlined in current CRP regulations would remain in effect with no emergency haying or grazing authorized on current ineligible CPs. The drought conditions would continue contingent upon the amount of precipitation received perpetuating the current adverse local environmental impacts America's farmers and ranchers are already dealing with.

Under this Alternative, farmers and ranchers impacted by the extreme drought would have to find alternative means and measures to maintain the health of their livestock without utilizing the currently ineligible CP acreage under CRP emergency haying and grazing provisions.

4.4 Irreversible and Irretrievable Commitment of Resources

NEPA requires that environmental analysis include identification of any irreversible and irretrievable commitments of resources which would be involved should an action be implemented. Irreversible and irretrievable resource commitments are related to the use of nonrenewable resources and the effects that the use of these resources has on future generations. Irreversible effects primarily result from the use or destruction of a specific resource that cannot 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. For the action alternatives analyzed, no irreversible or irretrievable resource commitments are expected.

5.0 MITIGATION MEASURES

5.1 Introduction

The purpose of mitigation is to avoid, minimize, or eliminate negative impacts on affected resources to some degree. CEQ Regulations (40 CFR 1508.20) state that mitigation includes:

- avoiding the impact altogether by not taking a certain action or parts of an action;
- minimizing impacts by limiting the degree or magnitude of the action and its implementation;
- rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and
- compensating for the impact by replacing or providing substitute resources or environments.

5.2 Roles and Responsibilities

CEQ Regulations state that all relevant reasonable mitigation measures that could improve a project should be identified, even if they are outside the jurisdiction of the lead agency or the cooperating agencies. This serves to alert agencies or officials who can implement these extra measures, and will encourage them to do so. The lead agency for Alternative A is FSA.

5.3 Mitigation Requirements

There are no expected major negative impacts associated with implementation of Alternative B. Prior to installation of CPs, NRCS or TSP must complete site specific environmental evaluation which would reveal any protected resources on or adjacent to the proposed enrolled lands. In those site specific instances where a wetland, threatened or endangered species, or a cultural resource may be present, consultation with the appropriate regulatory agency would identify specific avoidance, minimization, or mitigation measures required to eliminate or reduce the negative impacts to those sensitive resources before any activity is authorized.

Prior to implementing any form of haying or grazing, a Conservation Plan must be developed that is in compliance with NEPA and all other applicable federal and state laws and regulations. This plan must be completed by qualified individuals either employed at NRCS or an NRCS-certified TSP. The qualified conservationist will use information from ecological site descriptions, trend determinations, similarity index determinations, assessments of the health of the conservation lands and other information (climatic conditions, appropriate stocking rate) to assist the CRP land manager to design a plan for managed haying and grazing on authorized CPs that would not defeat the purposes of the CRP contract.

These plans require several site-specific inventories, measures to meet specific objectives, the methods and BMPs to control or mitigate impacts, and contingency and monitoring plans. The field numbers, locations, and acreage must be identified. The plan states that no managed haying or grazing may occur during the PNS (see Figure 5-1), may not occur within 120 feet of a permanent water body, or in the case of haying, is limited to 50 percent of the field over a period no longer than 90 days, and in the case of grazing, is limited to a maximum 120 days that may be in two 60 day periods. (FSA 2010)

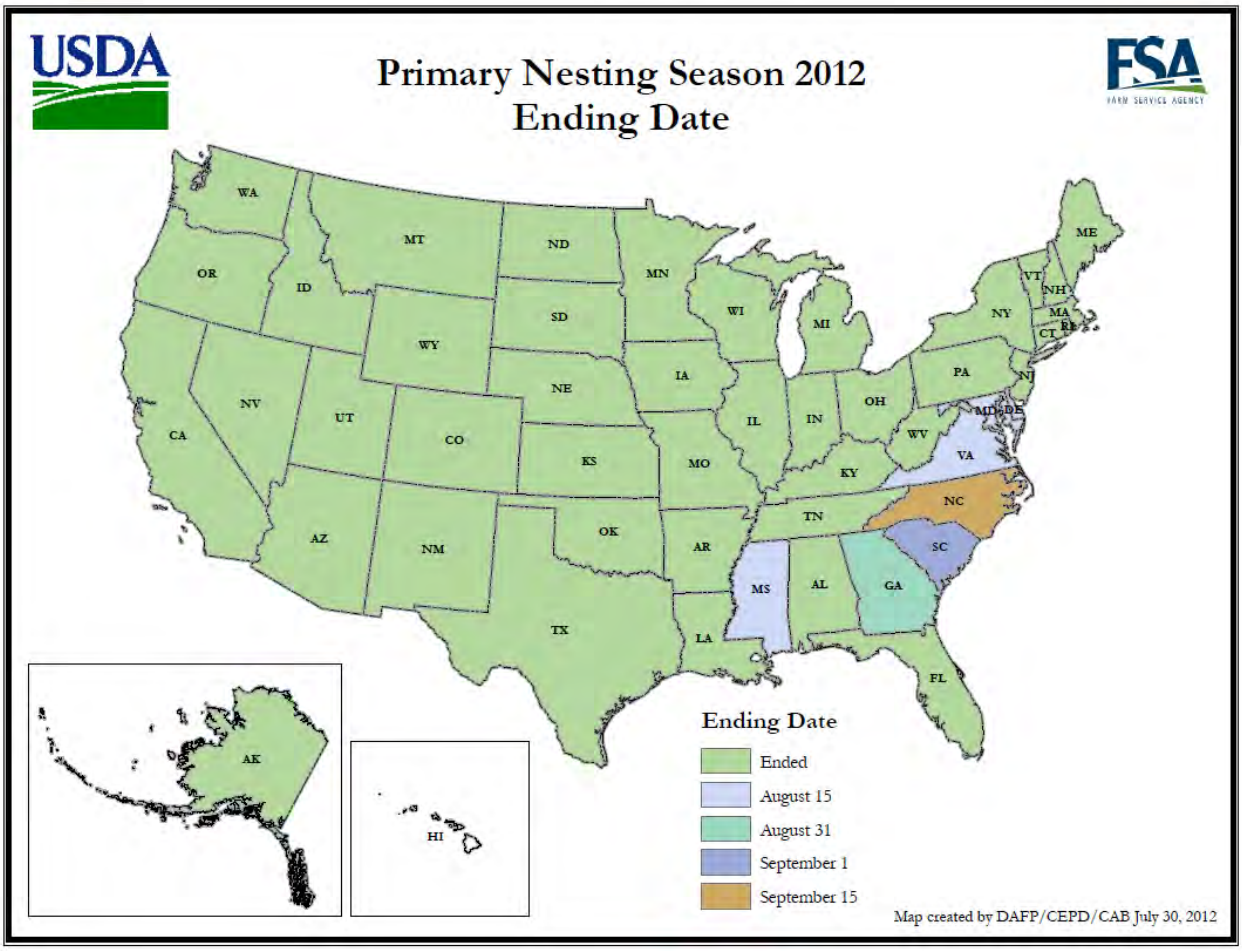

FIGURE 5-1: Primary Nesting Season 2012 Ending Date

A resource assessment must be conducted that identifies resources present (i.e., vegetative cover, water sources, soils) and their condition, existing structures (fences, natural barriers), and facilities (location of gates, watering areas), accompanied with a site plan as appropriate. An assessment of forage suitability must be completed, identifying the key forage species and associated acreage. The forage quantity and quality will be estimated and documented, and if grazing is proposed, the type of livestock and ruminant wildlife (deer, elk) identified, and the estimated stocking rate calculated in accordance with the NRCS FOTG. The 75 percent stocking rate is the maximum allowed for managed grazing; if resource conditions do not support the

maximum, a lower, appropriate stocking rate would be calculated and implemented. Animal Inventory will document the number and type of ruminant wildlife estimated to utilize the area proposed for grazing, and the livestock that would be grazing. In addition, if resource conditions do not support haying the maximum 50 percent of a CRP field, then a lower appropriate rate would be calculated and implemented.

Other NRCS Conservation Practice Standards must be adhered to and specific guidance incorporated into the Conservation Plan that includes mitigation measures. Practice Code 511 Forage Harvest Management stipulates criteria to improve or maintain stand life, plant vigor, and plant diversity. Vegetation must be cut only at a stage of maturity or harvest interval range that will provide adequate food reserves and/or basal or auxiliary tillers or buds for regrowth and/or reproduction to occur without loss of plant vigor. Further, re-seeding annuals must only be cut or harvested at a stage of maturity and frequency that ensures production of viable seed and ample carryover of hard seed to maintain desired plant stand diversity. For managed haying and grazing, a minimum five inch stubble height must remain at conclusion of the activity, however, if particular plants require more of the plant to remain (such as warm season grasses), then the appropriate minimum will be defined as such in the Conservation Plan. Guidance on the suitability of forage by species grown in dryland conditions includes estimates of the plant species productivity, the suitability as forage, minimum years a plant must be established prior to suitability for forage, fertilizer needs, soil acidity needs, and drought tolerance is provided. In accordance with managed haying and grazing provisions, authorized CPs must be established a minimum one year prior to scheduling these activities.

Wildlife habitat and corridors (CP4D, CP4B) guidance for implementation are found in NRCS Practice Code 645 Upland Wildlife Habitat Management. Under these CPs authorized for managed haying and grazing, certain wildlife species, guilds, suites, or ecosystems are targeted for conservation. The grazing plan developed for these CPs must have wildlife management as the primary objective. The Conservation Plan requires habitat evaluation and appraisal to identify habitat-limiting factors, and have developed habitat evaluation tools to achieve habitat conditions for particular species. Further, biological technical notes and assessment worksheets offer additional guidance. Application of this practice code alone, or in combination with other supporting and facilitating practices such as grazing and prescribed burns, result in a conservation system to meet the goals of the conservation plan. Haying and grazing is restricted during critical periods such as the PNS, brood rearing, deer fawning and elk calving seasons.

Management components of the grazing plan specify the schedule and number of days when managed haying and grazing can be conducted. Criteria that maintain or improve water quality and quantity (other than limiting grazing to within no more than 120 ft of a permanent surface water body) include: (1) maintain adequate ground cover and plant density to ensure adequate filtering capacity of the vegetation; and (2) employ BMPs to minimize concentrated livestock

areas that ensure animal offal is dispersed. The latter would include siting any supplemental livestock feeding, handling, and watering facilities and gates in such a manner to ensure adequate dispersion of animals. This would also assist in reducing potential soil erosion and compaction, which could lead to excess runoff. To maintain soil condition, measures to ensure adequate ground cover, litter, and canopy to maintain or improve infiltration and organic content would be stipulated in the plan. Fencing must be used to control grazing animals' access to other areas adjacent to the grazed field and protect permanent surface water bodies. Fencing may be designed in accordance with Practice Code 328 to minimize impacts to wildlife while serving its purpose to confine livestock. These latter measures include altering the height of the top and bottom wires, and making them smooth rather than barbed. When haying, starting in the middle of the field and proceeding in parallel back and forth would enable certain wildlife time needed to temporarily relocate to adjacent areas in advance of machinery. Also, use of a flushing bar would reduce the potential for injuring or killing certain wildlife.

To protect forbs and legumes that benefit native pollinators and other wildlife and provide insect food sources for grassland nesting birds, spraying or other control of noxious weeds would be done on a "spot treatment" basis in accordance with NRCS Practice Code 595. All methods of plant and insect pest management must comply with Federal, State, and local regulations.

Site specific environmental evaluation of lands to be enrolled in CRP in conjunction with either informal or formal consultation with the appropriate USFWS office would protect species included on the T&E and critical habitat lists. If potential negative impacts of haying and grazing on listed species are identified, it is not likely the land would be approved for these activities.

The following are the mitigation measures determined necessary to ensure no significant impacts occur:

a. Emergency haying and grazing requires a prior written request by the applicant and requires modification of the Conservation Plan to include haying or grazing. The modification must be site-specific and reflect the local wildlife needs and concerns.
b. Emergency haying and grazing extensions for those practices analyzed in this PEA are not authorized;
c. Emergency grazing shall leave at least 25 percent of each field or contiguous CRP fields ungrazed for wildlife, or graze not more than 75 percent of the stocking rate determined by NRCS or TSP;
d. Participants Shall leave at least 50 percent of each field or contiguous fields unhayed for wildlife;
e. Shall not hay or graze the same acreage; and
f. Haying is limited to one cutting.

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7.0 REFERENCES

Barbarika, Alexander. 2012. Conservation Reserve Program Monthly Summary June 2012. Unpublished. Accessed July 2012.

Blue Planet Biomes. 2009. North American Prairie Biome. http://www.blueplanetbiomes.org/prairie.htm. Accessed December 2009.

Brady, N.C. and R.R. Weil. 2002. The Nature and Properties of Soils. 13th Edition. NJ: Pearson Education Incorporated.

Colorado Division of Wildlife. 2009. Columbian Sharp-tailed Grouse. http://wildlife.state.co.us/WildlifeSpecies/Profiles/Birds/ColumbianSharpTailedGrouse.htm. Accessed December 2009.

Colorado State University. 2008. Research: Monitoring Studies of Small Mammals. http://sgs.cnr.colostate.edu/Research/SmallMammals/MntrngStdsofSmlMmls.htm. Accessed September 2008.

Congressional Budget Office. 2007. The Potential for Carbon Sequestration in the United States. Publication No. 2931. http://www.cbo.gov/ftpdocs/86xx/doc8624/09-12-CarbonSequestration.pdf. Accessed November 2009.

Cooper, T.R. 2007. Henslow‘s Sparrow Conservation Action Plan Workshop Summary: March 7-8, 2007. Bloomington, MN. Unpublished Report.

Cordell, H.K., C.J. Betz, and G.T. Green. 2008. Nature-based Outdoor Recreation Trends and Wilderness. International Journal of Wilderness 14(2):7-9.

Dahl, T.E. 2006. Status and Trends of Wetlands in the Conterminous United States 1998 to 2004. . U.S. Department of the Interior; Fish and Wildlife Service. 112.

DiGiulio, M., P.J. Edwards, and E. Meister. 2001. Enhancing Insect Diversity in Agricultural Grasslands: The Roles of Management and Landscape. Journal of Applied Ecology 38(2):310-319. REFERENCES 7-4 Conservation Reserve Program SEIS – Final

DTN/The Progressive Farmer. 2012. DTN National Cash Indexes. (http://www.dtnprogressivefarmer.com/dtnag/common/link.do?contentId=70011&parentId=-1. Accessed July 2012.

Ducks Unlimited. 2009. The Conservation Reserve Program (CRP). http://www.ducks.org/Conservation/GovernmentAffairs/1617/ConservationReserveProgram.html. Accessed October 2009.

Dunne, T. and L.B. Leopold. 1978. Groundwater. Water in Environmental Planning. New York, New York.: W.H. Freeman and Company.

Economic Research Service. 2003. Agricultural Resources and Environmental Indicators. http://www.ers.usda.gov/publications/arei/ah722/arei6_2/AREI6_2landretire.pdf. Accessed October 2009.

Economic Research Service. 2006. Agricultural Resources and Environmental Indicators: Irrigation Resources and Water Costs. Economic Information Bulletin No. (EIB-16), July 2006.

Economic Research Service. 2008. Rural America at a Glance. 2008 Edition. Economic Information Bulletin 40. U.S. Department of Agriculture. http://www.ers.usda.gov/Publications/EIB40/EIB40.pdf. Accessed May 2009.

Environmental Protection Agency. 2009a. Sole Source Aquifer Protection Program. http://cfpub.epa.gov/safewater/sourcewater/sourcewater.cfm?action=SSA. Accessed September 2009.

Environmental Protection Agency. 2009b. National Water Quality Inventory: Report to Congress. EPA 841-R-08-001. January 2009.

Environmental Protection Agency. 2009c. National Summary of Impaired Waters and TMDL Information. http://iaspub.epa.gov/waters10/attains_nation_cy.control?p_report_type=T. Accessed September 2009.

Farm Service Agency. 2003. Final Programmatic Environmental Impact Statement for the Conservation Reserve Program. REFERENCES Conservation Reserve Program SEIS – Final 7-5

Farm Service Agency. 2006. Programmatic Environmental Assessment Idaho Conservation Reserve Enhancement Program. http://www.fsa.usda.gov/Internet/FSA_File /idfinalpea.pdf. Accessed October 2009.

Farm Service Agency. 2008a. Programmatic Environmental Assessment: Select Provisions of the 2008 Farm Bill Regarding Conservation Reserve Program. http://www.whitehouse.gov/omb/memoranda/fy2005/m05-13.pdf Accessed November 2009.

Farm Service Agency. 2008b. Conservation Reserve Program Summary and Enrollment Statistics FY 2007. http://www.fsa.usda.gov/Internet/FSA_File/annual_consv_2007.pdf. Accessed October 2009.

Farm Service Agency. 2008c. Conservation Reserve Program, Cumulative Enrollment by Year. http://www.fsa.usda.gov/FSA/webapp?area=home&subject=copr&topic=crp-st. Accessed September 2009.

Farm Service Agency. 2008d. Civil Rights Impact Analysis. Interim Rule: 7 CFR Part 1410, Conservation Reserve Program.

Farm Service Agency. 2009a. Notice CRP-651. Renewing and Revising State Conservation Priority Areas. http://www.fsa.usda.gov/Internet/FSA_Notice/crp_651.pdf. Accessed March 2010.

Farm Service Agency. 2009b. Conservation Reserve Program Summary and Enrollment Statistics FY 2008. http://www.fsa.usda.gov/Internet/FSA_File/annualsummary2008.pdf. Accessed December 2009.

Farm Service Agency. 2009c. CRP-SAFE Native Pollinator Planting. http://www.fsa.usda.gov/FSA/stateoffapp?mystate=mi&area=home&subject=landing&topic=landing. Accessed October 2009.

Farm Service Agency. 2009d. Conservation Reserve Program Monthly Summary Report (October). http://www.fsa.usda.gov/Internet/FSA_File/oct2009.pdf. Accessed December 2009.

Farm Service Agency. 2009e. Environmental and Cultural Resource Compliance. http://www.fsa.usda.gov/FSA/webapp?area=home&subject=ecrc&topic=enj. Accessed October 2009.

Farm Service Agency. 2010. Conservation Reserve Program Programmatic Supplemental Environmental Impact Statement. http://www.fsa.usda.gov/Internet/FSA_File/idfinalpea.pdf. Accessed July 2012.

Farm Service Agency. 2010a. Conservation Reserve Program Monthly Summary Report (March 2010). http://www.fsa.usda.gov/Internet/FSA_File/mar2010crpstat.pdf. Accessed April 2010.

Farm Service Agency. 2010b. CRP National Conservation Priority Area (CRP) Enrollment All General And Continuous Sigh-ups, FY 2009.

Farm Service Agency. 2010c. Summary of Acreage by Land Eligibility Category for All Program Years (1998-2011). http://content.fsa.usda.gov/crpstorpt/r1landyr/us.htm. Accessed May 2010.

Ferris, J. and J. Siikamaki. 2009. Conservation Reserve Program and Wetland Reserve Program: Primary Land Retirement Programs for Promoting Farmland Conservation. Resources for the Future Backgrounder August 2009.

Frost, R.A. and K.L. Launchbaugh. 2003. Prescription Grazing for Rangeland Weed Management. http://www.cnr.uidaho.edu/range454/readings/Prescription%20grazing.pdf. Accessed October 2009.

Gleason, R.A., M.K. Laubhan, and N.H. Euliss, Jr., eds. 2008. Ecosystem Services Derived From Wetland Conservation Practices in the United States Prairie Pothole Region with an Emphasis on the U.S. Department of Agriculture Conservation Reserve and Wetlands Reserve Programs. U.S. Geological Professional Paper (1745):58.

Gurdak, J.J., P.B. McMahon, K.F. Dennehy, and S.L. Qi. 2009. Water Quality in the High Plains Aquifer, Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming, 1999-2004. U.S. Geological Survey Circular 1337:63.

Hansen, L. 2006. Wetland Status and Trends. Agricultural Resources and Environmental Indicators, 2006 Edition. EIB-16. Economic Research Service/United States Department of Agriculture. REFERENCES Conservation Reserve Program SEIS – Final 7-7

Hansen, L. and D. Hellerstein. 2006. Conservation Reserve Program Design, Better Targeting, Better Outcomes. Economic Research Service. Economic Brief Number 2.

Hansen, L. 2007. Conservation Reserve Program: Environmental Benefits Update. Agricultural and Resource Economics Review 36(2):267-280.

Helm Smith, Kelly. "Drought Map Shows Widespread Intensification over Central United States." *The Drought Monitor*. National Drought Mitigation Center, 26 July 2012. <http://droughtmonitor.unl.edu/new.html>. Accessed 30 July 2012.

Hoffman, R.W. and A.E. Thomas. 2007. Columbian Sharp-tailed Grouse: A Technical Conservation Assessment. USDA Forest Service, Rocky Mountain Region. http://www.fs.fed.us/r2/projects/scp/assessments/columbiansharptailedgrouse.pdf. Accessed December 2009.

House Committee on Agriculture. 2009. Statement by James Miller. http://agriculture.house.gov/testimony/111/h062509/Miller.pdf. Accessed December 2009.

Journal of Soil and Water Conservation. 2008. Journal of Soil and Water Conservation Table of Contents. Journal of Soil and Water Conservation 63(6):1-7.

Linacre, E. and B. Geerts. 1998. Rainfall and Rainfall Changes in the USA. http://www-das.uwyo.edu/~geerts/cwx/notes/chap17/rain_usa.html. Accessed December 2009.

Lokemoen, J.T. and J.A. Beiser. 1979. Bird Use and Nesting in Conventional Minimum-Tillage, and Organic Cropland. Journal of Wildlife Management 61:644-655.

Lubowski, R.N., M. Vesterby, S. Bucholtz, A. Baez, and M.J. Roberts. 2006. Major Uses of Land in the United States, 2002. Economic Information Bulletin Number 14. REFERENCES Conservation Reserve Program SEIS – Final 7-9

Marty, J. T. 2005. Effects of Cattle Grazing on Diversity in Ephemeral Wetlands. Conservation Biology, 19: 1626–1632. doi: 10.1111/j.1523-1739.2005.00198.x Accessed July 2012.

Maupin, M.A. and N.L. Barber. 2005. Estimated Withdrawals From Principal Aquifers in the United States, 2000. U.S. Geological Survey Circular (1279):46.

McCray, K. 2009. Ground Water: Out of Sight, But Not Out of Mind. National Ground Water Association. http://www.ngwa.org/public/awarenessweek/awareeditorial.aspx. Accessed November 2009.

Mitchell, D. and J. Openshaw. 2002. Utah Division of Wildlife Resources. Columbian Sharp-tailed Grouse. Wildlife Notebook Series No. 17. http://wildlife.utah.gov/publications/pdf/grouse.pdf. Accessed December 2009

National Agricultural Statistics Service. 2009a. 2007 Census of Agriculture, Limited States Summary and State Data, Vol. 1, Geographic Services, Part 57, U.S. Department of Agriculture, Issued February, Updated September, http://www.agcensus.usda.gov/Publications/2007/Full_Report/index.asp. Accessed September 2009. REFERENCES 7-10 Conservation Reserve Program SEIS – Final

National Oceanic and Atmospheric Administration. 2007b. NOAA Office of Ocean and Coastal Resource Management: Water Quality. http://coastalmanagement.noaa.gov/issues/wq_quick.html. Accessed September 2009.

Natural Resources Conservation Service. 1978. Conservation Practice Standard Runoff Management System, Code 570. ftp://ftp-fc.sc.egov.usda.gov/NHQ/practice-standards/standards/570.pdf. Accessed November 2009.

Natural Resources Conservation Service. 1996. Soil Quality Resource Concerns: Compaction. http://soils.usda.gov/sqi/publications/files/sq_nin_1.pdf. Accessed November 2009.

Natural Resources Conservation Service. 1999a. Soil Taxonomy Maps. ftp://ftp-fc.sc.egov.usda.gov/NSSC/Soil_Taxonomy/maps.pdf. Accessed October 2009.

Natural Resources Conservation Service. 1999b. Grassland Birds NRCS Fish and Wildlife Habitat Management Leaflet No. 8. ftp://ftp-fc.egov.usda.gov/WHMI/WEB/pdf/GRASS1.pdf. Accessed October 2009.

Natural Resources Conservation Service. 2001. Rangeland Soil Quality - Introduction. Soil Quality Information Sheet. http://soils.usda.gov/sqi/management/files/RSQIS1.pdf. Accessed October 2009.

Natural Resources Conservation Service. 2003a. Conservation Practice Standard Forage Harvest Management, Code 511. ftp://ftp-fc.sc.egov.usda.gov/NHQ/practice-standards/standards/511.pdf. Accessed October 2009.

Natural Resources Conservation Service. 2003b. Conservation Buffer Practices. http://www.oh.nrcs.usda.gov/programs/Lake_Erie_Buffer/conservation_buffer_practices.html. Accessed September 2009.

Natural Resources Conservation Service. 2003c. Conservation Practice Standard Land Clearing, Code 460. ftp://ftp-fc.sc.egov.usda.gov/NHQ/practice-standards/standards/460.pdf. Accessed November 2009.

Natural Resources Conservation Service. 2006a. Conservation Effects Assessment Project Fact Sheet. http://www.nrcs.usda.gov/TECHNICAL/nri/ceap/ceapgeneralfact.pdf. Accessed September 2009. REFERENCES Conservation Reserve Program SEIS – Final 7-11

Natural Resources Conservation Service. 2006b. Conservation Resource Brief Water Management. No. 0604.

Natural Resources Conservation Service. 2006c. Migratory Bird Responses to Grazing Wetlands Reserve Program Grassland Workgroup Report.

Natural Resources Conservation Service. 2006d. Amphibians and Reptiles. Fish and Wildlife Habitat Management Leaflet. No. 35. ftp://ftp-fc.sc.egov.usda.gov/WHMI/WEB/pdf/TechnicalLeaflets/AmphibiansReptiles.pdf. Accessed November 2009.

Natural Resources Conservation Service. 2006e. Land Resource Regions and Major Land Resource Areas of the United States, the Caribbean, and the Pacific Basin. U.S. Department of Agriculture Handbook 296. USDA Natural Resources Conservation Service.

Natural Resources Conservation Service. 2007b. Natural Resources Inventory: 2003 Annual NRI, Land Use. http://www.nrcs.usda.gov/technical/NRI/2003/Landuse-mrb.pdf. Accessed October 2009.

Natural Resources Conservation Service. 2008a. Conservation Effects Assessment Project. http://www.nrcs.usda.gov/TECHNICAL/nri/ceap/library.html. Accessed October 2008.

Natural Resources Conservation Service. 2008b. Conservation Effects Assessment Project-Wetlands. The High Plains Regional Assessment.

Natural Resources Conservation Service. 2009a. NRCS Conservation Programs: Roles and Responsibilities. http://www.nrcs.usda.gov/programs/farmbill/1996/RolesFB.html. Accessed October 2009.

Natural Resources Conservation Service. 2009c. Pollinator Conservation. http://plant-materials.nrcs.usda.gov/news/features/pollinatorconservation.html. Accessed October 2009.

Natural Resources Conservation Service. 2009d. Pollinator Habitat - Iowa Job Sheet. ftp://ftp-fc.sc.egov.usda.gov/IA/technical/pollinator2.pdf. Accessed October 2009.

Natural Resources Conservation Service. 2009e. Options for CRP Mid-Contract Management (Iowa). ftp://ftp-fc.sc.egov.usda.gov/IA/Programs/optionsformcm.pdf. Accessed October 2009.

Niemuth et al. 2008. Delineating Grassland Bird Conservation Areas in the U.S. Prairie Pothole Region. http://www.fws.gov/midwest/hapet/documents/DelineatingGrasslandBirdConservationAreasintheUSPPR.pdf. Accessed July 2012.

Office of Management and Budget. 2005. Budget Discipline for Agency Administrative Actions. http://www.whitehouse.gov/omb/memoranda/fy2005/m05-13.pdf. Accessed November 2009. REFERENCES 7-12 Conservation Reserve Program SEIS – Final

Office of Management and Budget. 2009. Circular No. A-11 Preparation, Submission and Execution of the Budget. http://www.whitehouse.gov/omb/assets/a11_current_year/a_11_2009.pdf. Accessed November 2009.

Potter, S.R., S. Andrews, J.D. Atwood, R.L. Kellogg, J. Lemunyon, L. Norfleet, and D. Oman. 2006. Model Simulation of Soil Loss, Nutrient Loss, and Change in Soil Organic Carbon Associated with Crop Production: Sediment Loss from Water Erosion. U.S. Department of Agriculture/Natural Resources Conservation Service. Conservation Effects Assessment Project.

Richardson, C.W., D.A. Bucks, and E.J. Sadler. 2008. The Conservation Effects Assessment Project Benchmark Watersheds: Synthesis of Preliminary Findings. Journal of Soil and Water Conservation 63(6):590-604.

Riffell, S., D. Sognamillo, and L.W. Burger. 2008. Effects of the Conservation Reserve Program on Northern Bobwhite and Grassland Birds. Environmental Monitoring and Assessment 146:309-323.

Robertson, G.P. and S.M. Swinton. 2005. Reconciling Agricultural Productivity and Environmental Integrity: A Grand Challenge for Agriculture. Frontiers in Agriculture and the Environment (3):38-46.

Schultz, R.C., T.M. Isenhart, and J.P. Colletti. 1994. Riparian Buffer Systems in Crop and Rangelands. In Agroforestry and Sustainable Systems: Symposium Proceedings.

Soil and Water Conservation Society and The Environmental Defense Fund. 2008. Conservation Reserve Program, Program Assessment April 2008. A Report from the Soil and Water Conservation Society and Environmental Defense Fund.

Tesauro, J. 2001. Restoring Wetland Habitats with Cows and other Livestock. http://www.conservationmagazine.org/articles/v2n2/restoring-wetland-habitats-with-cows-and-other-livestock/. Accessed October 2009.

The Northeast Upland Habitat Technical Committee. 2006. Managing Grasslands, Shrublands, and Young Forest Habitats for Wildlife: A Guide for the Northeast. Chapter 10. J.D. Oehler, D.F. Covell, S. Capel, and B. Long, eds.: The Northeast Upland Habitat Technical Committee and Massachusetts Division of Fisheries and Wildlife.

U.S Army Corps of Engineers. 1987. Corps of Engineers Wetlands Delineation Manual. Technical Report Y-81-1.

U.S. Census Bureau. 2002. 2000 Decennial Census, Tables P1, P6, P53 and P87.

U.S. Department of Agriculture. 2007. Continuous Signup Basic Eligibility Criteria--Marginal Pastureland. http://www.tn.nrcs.usda.gov/programs/CRP/docs/Marginal_Pasture_Def.pdf. Accessed September 2009.

U.S. Department of Agriculture. 2008. U.S. Agriculture and Forestry Greenhouse Gas Inventory: 1990-2005. Global Change Program Office, Office of the Chief Economist, U.S. Department of Agriculture. Technical Bulletin NO. 1921. 161 pp. August, 2008. REFERENCES 7-16 Conservation Reserve Program SEIS – Final

U.S. Department of Agriculture. 2009. National Agricultural Library Invasive Species Kudzu. http://www.invasivespeciesinfo.gov/plants/kudzu.shtml. Accessed October 2009.

U.S. Department of Agriculture. 2012. Agriculture Marketing Service Bioenergy Market News Reports. http://www.ams.usda.gov/AMSv1.0/ams.fetchTemplateData.do?template=TemplateN&navID=MarketNewsAndTransportationData&leftNav=MarketNewsAndTransportationData&page=Bioenergy. Accessed 2012.

U.S. Department of Agriculture. 2012. July 2012 USDA WASDE – Production. http://www.usda.gov/oce/commodity/wasde/latest.pdf. Accessed July 2012.

U.S. Department of Agriculture. 2012. U.S. Drought 2012: Farm and Food Impacts. <http://www.ers.usda.gov/newsroom/us-drought-2012-farm-and-food-impacts.aspx>. Accessed July 2012.

U.S. Fish and Wildlife Service. 2008a. Critical Habitat. http://www.fws.gov/southeast/es/CriticalHabitatFS.html. Accessed August 2008.

U.S. Fish and Wildlife Service. 2008b. Economic Impact of Waterfowl Hunting in the United States, Addendum to the 2006 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation. http://library.fws.gov/pubs/nat_survey2006_waterfowlhunting.pdf. Accessed October 2009.

U.S. Fish and Wildlife Service. 2009a. Species Reports, Environmental Conservation Online System: Summary of Listed Species, Listed Populations, and Recovery Plans. http://ecos.fws.gov/tess_public/TESSBoxscore. Accessed September 2009.

U.S. Fish and Wildlife Service. 2009b. Species Reports, Environmental Conservation Online Services: Listed Species with Critical Habitat. http://ecos.fws.gov/tess_public/CriticalHabitat.do?nmfs=1. Accessed September 2009.

U.S. Fish and Wildlife Service. 2009c. Our view: Chester Creek. Restoration Project Enhances One of the Loveliest Places in Town. http://www.fws.gov/coastal/?viewPage=home. Accessed September 2009.

U.S. Fish and Wildlife Service. 2009d. Managing Invasive Plants Management Methods: Prescribed Grazing http://www.fws.gov/invasives/staffTrainingModule/pdfs/methods/graz_casestudy2.pdf. Accessed October 2009.

U.S. Forest Service. 1989. Managing Grazing of Riparian Areas in the Intermountain Region. http://www.fs.fed.us/rm/pubs_int/int_gtr263.pdf. Accessed July 2012.

U.S. Geological Survey. 2000. Nitrogen in the Mississippi Basin - Estimating Sources and Predicting Flux to the Gulf of Mexico. USGS Fact Sheet 135-00: December 2000. Accessed December 2009.

U.S. Geological Survey. 2005. Irrigation Water Use. http://ga.water.usgs.gov/edu/wuir.html. . Accessed December 2009.

APPENDIX A

LIST OF CRP ACREAGE BY STATE

CRP ENROLLMENT BY STATE AS OF JUNE 2012 * ---------TOTAL CRP (ALL SIGN-UPS)------					
			Annual Rental Payments 2/		
STATE 1/	NUMBER OF CONTRACTS	NUMBER OF FARMS	ACRES	($1,000)	($/ACRE)
U.S.	737,699	409,253	29,592,228	1,697,057	57.35
ALABAMA	8,514	6,047	360,392	16,657	46.22
ALASKA	45	31	19,009	670	35.26
ARKANSAS	6,057	3,359	251,602	15,539	61.76
CALIFORNIA	417	325	103,964	4,255	40.93
COLORADO	12,422	6,099	2,179,669	73,002	33.49
CONNECTICUT	14	11	151	12	80.62
DELAWARE	641	339	6,737	750	111.26
FLORIDA	1,249	1,011	51,574	2,131	41.32
GEORGIA	9,710	6,441	317,465	15,437	48.63
HAWAII	13	12	498	26	52.30
IDAHO	5,055	2,869	654,277	30,907	47.24
ILLINOIS	83,021	45,334	1,030,369	123,958	120.30
INDIANA	38,217	21,291	281,020	32,135	114.35
IOWA	106,389	53,431	1,647,721	216,747	131.54
KANSAS	45,274	25,728	2,528,026	102,624	40.59
KENTUCKY	16,846	8,951	333,284	38,730	116.21
LOUISIANA	5,070	3,225	325,457	20,538	63.11
MAINE	502	362	13,546	670	49.49
MARYLAND	6,500	3,574	78,799	11,100	140.86
MASSACHUSETTS	3	3	10	2	207.20
MICHIGAN	14,900	8,512	221,710	20,042	90.40
MINNESOTA	62,277	32,765	1,560,595	108,981	69.83
MISSISSIPPI	19,466	12,196	829,217	42,266	50.97
MISSOURI	35,550	20,579	1,286,549	102,003	79.28
MONTANA	13,445	5,563	2,496,822	79,640	31.90
NEBRASKA	27,202	15,362	996,431	62,179	62.40
NEW HAMPSHIRE	4	4	13	1	68.90
NEW JERSEY	309	212	2,449	180	73.55
NEW MEXICO	1,897	1,213	415,465	14,745	35.49
NEW YORK	2,825	2,007	51,006	3,656	71.68
NORTH CAROLINA	7,861	5,089	111,577	7,894	70.75

NORTH DAKOTA	32,373	16,060	2,392,929	90,002	37.61
OHIO	38,136	21,279	337,378	41,185	122.07
OKLAHOMA	7,169	4,848	822,991	27,841	33.83
OREGON	4,377	2,298	547,244	29,858	54.56
PENNSYLVANIA	11,659	7,432	205,975	21,475	104.26
PUERTO RICO	18	18	1,199	80	66.43
SOUTH CAROLINA	7,099	3,983	143,383	5,577	38.89
SOUTH DAKOTA	31,740	14,842	1,112,660	66,588	59.85
TENNESSEE	7,101	4,719	190,282	13,674	71.86
TEXAS	21,684	15,878	3,357,791	122,732	36.55
UTAH	877	543	178,483	5,748	32.21
VERMONT	397	282	2,843	289	101.53
VIRGINIA	5,815	4,442	61,456	3,710	60.37
WASHINGTON	12,773	5,316	1,489,824	83,716	56.19
WEST VIRGINIA	475	387	6,195	461	74.50
WISCONSIN	23,402	14,358	369,835	30,838	83.38
WYOMING	907	621	216,182	5,803	26.85
NOT REPORTED	2	2	174	4	21.67
1/ State in which land is located.					
2/ Approximate payments scheduled to be made October 2012.					

APPENDIX B

SCOPING

NATIONAL WILDLIFE FEDERATION®
901 E. St. NW, #400
Washington, DC 20004
(202) 797-6800
NWF's mission is to inspire Americans to protect wildlife for our children's future

July 30, 2012

Administrator Juan Garcia
U.S.D.A. Farm Service Agency
Room 3086-South
1400 Independence Ave. SW
Washington, DC 20250

Dear Administrator Garcia;
On behalf of the National Wildlife Federation, I would like to provide our thoughts on emergency haying and grazing use of Conservation Reserve Program lands during this summer's extreme drought. As you know, many parts of the nation are experiencing a severe drought that has greatly depleted forage availability for the nation's ranchers. We sympathize with the plight of everyone in agriculture who is contending with this drought.

The National Wildlife Federation has always supported the appropriate use of CRP emergency haying and grazing and believes that it can help ranchers maintain their herds during severe drought, while also showing landowners the benefit of keeping their land in CRP as a hedge against such droughts in the future. We believe that emergency haying and grazing should be limited to instances of serious drought, such as is unfortunately the case in so much of the country this year. We also believe that local conditions and wildlife needs will vary greatly. We therefore believe that any use of emergency haying and grazing be done in accordance with conditions identified by state and federal wildlife agencies and local wildlife groups, as necessary to minimize impacts to wildlife and biodiversity.

We understand that certain CRP practices have not normally been considered as eligible for emergency haying and grazing because the agency has failed to analyze the potential impacts of opening them. NWF hopes that should you choose to open these practices during this serious drought this year, that you will take the opportunity to study the resulting impacts to gain a better understanding of the implications of such use for soil, water and wildlife resources. Going forward, this is an excellent opportunity for FSA to undertake the analysis needed on these practices to make them eligible, with any needed conditions, in the future when similar drought conditions occur.

Please feel free to contact me at (202) 797-6832 if I can provide you with any additional information on NWF's thoughts on this issue.

Sincerely,

Julie M. Sibbing
Director, Agriculture and Forestry Programs
National Wildlife Federation

ASSOCIATION of FISH & WILDLIFE AGENCIES

The voice of fish and wildlife agencies

Hall of the States
444 North Capitol Street, NW
Suite 725 • Washington, D.C. 20001
Phone: 202-624-7890
Fax: 202-624-7891
E-mail: info@fishwildlife.org
www.fishwildlife.org

July 30, 2012

Administrator Juan Garcia
U.S. Department of Agriculture
Farm Service Agency
Room 3086-South
1400 Independence Ave. SW
Washington, DC 20250

On behalf of the Association of Fish and Wildlife Agencies and the 50 states we represent, thank you for allowing us to provide some input on emergency haying and grazing of Conservation Reserve Program lands. We understand it is difficult to cater to all states and varying circumstances; below you will find an outline of what we believe are fair recommendations and will fit most situations during this time of extensive drought. It is important to remember that having CRP grasslands on the landscape helps producers deal with forage shortages and provides invaluable habitats and refuges to help wildlife survive extensive droughts such as this that could otherwise lead to their demise. Furthermore, soil and water quality are never more at risk than during times of drought. The birth of CRP was to conserve soil and water quality which must also be considered during desperate times. We do understand that current Farm Service Agency policy identifies many CRP practices as ineligible for emergency haying and grazing and the potential environmental impacts from haying and grazing of these practices have not been evaluated. Due to the extent and severity of the drought, if FSA decides acres under these practices may be utilized for emergency haying and grazing, we ask that you take the procedures and recommendations listed below into consideration:

EMERGENCY USE OF INELIGBLE ACREAGE (including wetlands and other practices) -- For authorization of emergency haying and grazing during or outside the Primary Nesting Season (PNS), a State may request a waiver from the national FSA office to allow emergency grazing and/or haying on ineligible practice acres with complete concurrence of the State CRP subcommittee (if one exists), the NRCS State Conservationist, the state fish and wildlife agency, and the U.S. Fish and Wildlife Service.

- The waiver can apply more stringent starting and/or ending dates as well as other restrictions or conditions than those required under emergency haying and grazing of eligible acreage to accommodate for local conditions and wildlife needs as identified by the State CRP Subcommittee, State Conservationist and state/federal agencies.
- States considering a waiver for ineligible practice acreage are required to consider the potential impacts to candidate, threatened, or endangered species.
- The waiver request must identify potential impacts on candidate, threatened or endangered species and the measures to be taken to avoid or minimize adverse impacts to these at-risk species.
- **In 2012** for ineligible practice acreage to be authorized for use under emergency haying and grazing inside or outside the PNS, the State must adhere to FSA policy outlined in 2-CRP (Rev. 5) Amend. 5 Par. 691E, requiring the county be designated as at least D2 on the U.S. Drought Monitor for grazing and haying unless otherwise recommended with complete concurrence of the State CRP Subcommittee, NRCS State Conservationist, the state fish and wildlife agency, and the U.S. Fish and Wildlife Service. For states without a CRP Subcommittee, FSA must obtain complete concurrence with the NRCS State Conservationist, the state fish and wildlife agency, and the U.S. Fish and Wildlife Service.

2013 STATE FSA COMMITTEE DETERMINATIONS -- For 2013 and beyond, in order for any practice acreage to be authorized for use under emergency haying and grazing outside the PNS, we encourage FSA to return to the policy outlined in 2-CRP (Version 5) Par. 691E that identifies D2 on the U.S. Drought Monitor as a requirement for emergency grazing and D3 on the U.S. Drought Monitor for emergency haying.

Thank you for allowing us the opportunity to provide input into FSA's emergency haying and grazing polices and for utilizing our recommendations. Please do not hesitate to contact Jen Mock Schaeffer if you have any questions or wish to discuss these recommendations at 202-624-3688 or at jenmock@fishwildlife.org.

Sincerely,

for Ronald J. Regan
Executive Director

Cc: Robert Bonnie
Matt Ponish

Ponish, Matthew - FSA, Washington, DC

From: Trimm, Craig - FSA, Washington, DC
Sent: Tuesday, July 31, 2012 5:03 AM
To: Ponish, Matthew - FSA, Washington, DC; Karmen, Brad - FSA, Washington, DC; Willis, Brandon - OSEC; Bonnie, Robert - OSEC
Subject: Fwd: FSA emergency haying and grazing polices- request to add additional practices

FYI

Sent from my iPhone

Begin forwarded message:

> **From:** "Garcia, Juan - FSA, Washington, DC" <Juan.Garcia@wdc.usda.gov>
> **Date:** July 30, 2012 9:51:43 PM EDT
> **To:** "Trimm, Craig - FSA, Washington, DC" <Craig.Trimm@wdc.usda.gov>
> **Subject: Fwd: FSA emergency haying and grazing polices- request to add additional practices**
>
> Sent from my iPad
>
> Begin forwarded message:
>
> > **From:** "Giamanco, Scherrie - FSA, Springfield, IL" <Scherrie.Giamanco@il.usda.gov>
> > **Date:** July 30, 2012 5:35:29 PM EDT
> > **To:** "Garcia, Juan - FSA, Washington, DC" <Juan.Garcia@wdc.usda.gov>
> > **Subject: FW: FSA emergency haying and grazing polices- request to add additional practices**
> >
> > In support of our request for baling waterways and filter strips.
> >
> > Thanks
> >
> > -----Original Message-----
> > From: King, Don - FSA, Springfield, IL
> > Sent: Monday, July 30, 2012 4:30 PM
> > To: Aaron Kuehl; Dozier, Ivan - NRCS, Champaign, IL; Gwen Kolb; Mike Wefer; Nancy Erickson; Hingson, Paula - NRCS, Champaign, IL; Rich Nichols; Shawn Wilcockson; Steve Chard; cimeroncf@aol.com; Walkenbach, Amy; Breckenridge, Richard (Richard.Breckenridge@illinois.gov)
> > Cc: Giamanco, Scherrie - FSA, Springfield, IL; Diebal, Jamie - FSA, Springfield, IL; Martin, Kimberly - FSA, Springfield, IL
> > Subject: RE: FSA emergency haying and grazing polices- request to add additional practices
> >
> > Thanks!!!

-----Original Message-----
From: Aaron Kuehl [mailto:akuehl@pheasantsforever.org]
Sent: Monday, July 30, 2012 7:55 AM
To: King, Don - FSA, Springfield, IL; Dozier, Ivan - NRCS, Champaign, IL; Gwen Kolb; Mike Wefer; Nancy Erickson; Hingson, Paula - NRCS, Champaign, IL; Rich Nichols; Shawn Wilcockson; Steve Chard; cimeroncf@aol.com; Walkenbach, Amy; Breckenridge, Richard (Richard.Breckenridge@illinois.gov)
Cc: Giamanco, Scherrie - FSA, Springfield, IL; Diebal, Jamie - FSA, Springfield, IL; Martin, Kimberly - FSA, Springfield, IL
Subject: RE: FSA emergency haying and grazing polices- request to add additional practices

Don,

Pheasants Forever / Quail Forever is in support of opening the additional acres and practices for 2012 only outside of the primary nesting season.

"We're growing LOCAL wildlife, habitat and conservation leaders for today, tomorrow and forever."

Aaron K. Kuehl | Illinois Director of Conservation Programs | Certified Wildlife Biologist
Pheasants Forever, Inc. and Quail Forever | 1504 Vinifera Drive | Petersburg, IL 62675
p. (217) 341-7171 | f. (217) 632-0293 | m. (217) 341-7171 | akuehl@pheasantsforever.org

www.illinoispf.org ♦www.PheasantsForever.org ♦ www.QuailForever.org ♦ PF Blog ♦ On The Wing ♦ Fan Page

-----Original Message-----
From: King, Don - FSA, Springfield, IL [mailto:Don.King@il.usda.gov]
Sent: Friday, July 27, 2012 11:15 AM
To: Aaron Kuehl; Dozier, Ivan - NRCS, Champaign, IL; Gwen Kolb; Mike Wefer; Nancy Erickson; Hingson, Paula - NRCS, Champaign, IL; Rich Nichols; Shawn Wilcockson; Steve Chard; cimeroncf@aol.com; Walkenbach, Amy; Breckenridge, Richard (Richard.Breckenridge@illinois.gov)
Cc: Giamanco, Scherrie - FSA, Springfield, IL; Diebal, Jamie - FSA, Springfield, IL; Martin, Kimberly - FSA, Springfield, IL
Subject: FSA emergency haying and grazing polices- request to add additional practices
Importance: High

To all,

I'll dispense with the background on the need for the request since the now historic drought conditions are in the forefront of everyone's minds and work activities. Suffice to say we are in a time where what would not have been

thought about now should be considered as we all do what we can to assist farmers and ranchers (and the public in general then in a long term sense) to deal with their individual needs.

With that in mind, the Illinois State FSA Committee is requesting your concurrence in authorizing CRP practices not currently eligible to be used for emergency haying and grazing for 2012 only. Haying would be conducted from August 2-August 31 and grazing could be conducted August 2-September 30. I have attached a full list of CRP practices- those that are eligible per national policy are CP1, CP2, CP4B, CP4D, CP10, CP18B, CP18C, and SAFE CP38E but only for those covers that relate back to the other eligible practices.

Additional practice we would like added, for 2012 only, are CP8A- grass waterway, CP21- filter strip, CP25- rare and declining habitat, and CP33- habitat buffers for upland birds. We are also asking for your concurrence in the waiver of application of ineligibility of acreage within 120 feet of a stream or permanent water body. We understand these are hard decisions to make and ask you keep in mind that producers will first have to agree to a revised conservation plan that is prepared in consultation with NRCS as the technical agency and guidelines are put in place to ensure the viability of the cover. In the event the stand does not survive and it is determined to be a function of the haying or grazing activities, the participant would be responsible for re-establishing the cover at their own cost.

Attached is an example of NRCS's emergency haying management plan. As you can see, each type of cover has a minimum height that hopefully allays any concerns you might have. Also, while waiving the application of the 120 foot criteria for a CP21, the application of the 50% of each field or contiguous field would continue to limit areas.

While this may seem an unprecedented request, please understand our joint constituents are in unprecedented times.

We ask that you provide your concurrence by July 31, 2012; while there are multiple persons listed for some Agencies on this email, only one reply per Agency is needed. If you have any concerns or additional constraints you would like to see addressed, please contact me by email or phone.

Finally, also keep in mind that this request will need FSA national office approval and we are currently waiting on that action as well but we would like to be prepared if that concurrence is given.

Thanks, Don

Donald King
Conservation and Environmental Programs Division Specialist USDA Farm Service Agency, Illinois State Office ph 217-241-6600 ext 216 fax 217-241-6619

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Wikoff, Carla - FSA, Manhattan, KS

From: Winkler, Rod - FSA, Manhattan, KS
Sent: Thursday, July 26, 2012 3:08 PM
To: barth.crouch@pljv.org; Smith, Matt; Michael_Disney@fws.gov; greg_kramos@fws.gov; Steve Sorensen; Benfer, Gaye - NRCS, Salina, KS; Franklin, Joni - NRCS, Salina, KS; Burr, Andy - NRCS, Salina, KS; JMartincich@pheasantsforever.org; Klataske, Ron; mikeb@kla.org; randbproduce@hotmail.com; greg.foley@scc.ks.gov; rmanes@tnc.org; jmcjunkin@nwtf.net; tmedley@kdhe.state.ks.us; susan.metzger@kwo.ks.gov; schaff.steve@epa.gov; troyas@gbta.net; tstreeter@kwo.state.ks.us; swaffars@kfb.org
Cc: Polansky, Adrian - FSA, Manhattan, KS; Wikoff, Carla - FSA, Manhattan, KS; Kunze, Jean - FSA, Manhattan, KS; Salava, Jack - FSA, Manhattan, KS
Subject: Input on Haying CP25

KTC members,

Yesterday, Senator Pat Roberts and Governor Sam Brownback called together Kansas leadership for a roundtable discussion meeting on drought assistance and coordination efforts in Topeka. In addition to the Senator and Governor in attendance were the leadership from Kansas Dept. of Ag, Kansas Water Office, USDA Risk Management, USDA Farm Service, Kansas State Climatologist, Kansas Rural Water, Kansas Farm Bureau, Kansas Livestock Association and Kansas Grain & Feed Assoc.

The Senator described the 2012 drought as extreme with fully eighty percent of Kansas now in extreme drought and twenty percent in severe as designated on the US Drought Monitor Map and requested all leadership to take all necessary steps within their organization to provide assistance to livestock and crop producers.

One of the key issues raised during the session is the lack of forage for livestock due to loss of pasture, hay crops, forage crops and corn silage due to the extreme drought covering most of the country. The current steps taken to release forage available on Conservation Reserve acres thru emergency grazing and haying including Emergency grazing on CP25, Rare and Declining Habitat, in a timely fashion has been of significant importance.

The group identified the need for further action to also release practice CP25 for emergency haying as well. This discussion was based upon pastures being nearly completely gone statewide, with producers now feeding winter hay supplies from half of a 2012 hay crop to sustain core herds. In 2012, no reserves remain from 2011, and the area impacted covers most of the country. The forage needed is hay for winter hay supplies. Kansas has 725,000 acres enrolled in practice CP25.

Kansas FSA believes that a onetime haying of CP25 limited to 50% of each field is less detrimental than losing the enrollment of the CRP cover due to lack of availability of desperately needed hay to a farmer or rancher who will determine whether the acreage will be re-enrolled in the program in the future.

This decision is not a Kansas decision and will be made at the Secretary level. We fully realize the proposed action for this practice has not been evaluated under an assessment per the National Environmental Policy Act, but are seeking your counsel on whether there is support or there is not.

Following the meeting, FSA was requested to seek your input on the consideration for releasing CP25 for emergency haying. Please provide your input via email to Carla Wikoff and Jean Kunze Peterson using the email address reflected in cc above.

Thank You,

Rod Winkler
Kansas Farm Service Agency

Wikoff, Carla - FSA, Manhattan, KS

From: Steve Sorensen [webforbs@cox.net]
Sent: Friday, July 27, 2012 1:36 PM
To: swaffars@kfb.org; tstreeter@kwo.state.ks.us; troyas@gbta.net; schaff.steve@epa.gov; susan.metzger@kwo.ks.gov; tmedley@kdhe.state.ks.us; jmcjunkin@nwtf.net; rmanes@tnc.org; greg.foley@scc.ks.gov; randbproduce@hotmail.com; mikeb@kla.org; Klataske, Ron; JMartincich@pheasantsforever.org; Burr, Andy - NRCS, Salina, KS; Franklin, Joni - NRCS, Salina, KS; Benfer, Gaye - NRCS, Salina, KS; greg_kramos@fws.gov; Michael_Disney@fws.gov; Smith, Matt; barth.crouch@pljv.org; Winkler, Rod - FSA, Manhattan, KS
Cc: Salava, Jack - FSA, Manhattan, KS; Kunze, Jean - FSA, Manhattan, KS; Wikoff, Carla - FSA, Manhattan, KS; Polansky, Adrian - FSA, Manhattan, KS
Subject: Re: Input on Haying CP25

Carla/Jean – thanks for the opportunity to respond to Rod's request for input on the request to authorize emergency haying of CP25, Rare and Declining Habitat, in Kansas. We are concerned that with the severe and extensive drought this year, CRP fields, especially CP25, may offer the only habitat to support native wildlife species. Native prairies and pastures are overgrazed because of the drought. That leaves CRP fields as the only suitable habitat. To cut these fields by 50% significantly impacts the benefits CRP provides. Wildlife is impacted by the drought just as much as the producer.

That said, the Kansas Wildlife Federation can concur with the emergency haying of CP25 in 2012 only with the following stipulations in place:

- **Don't allow consecutive year grazing or haying,** open only acres that weren't grazed last year;
- **No whole-field haying**, regardless of field size (50% maximum);
- **No commercial sale of forage** by producer or lessee. There is a considerable amount of low quality CRP hay from last year still sitting around Kansas. This has depressed commercial hay operations with CRP hay dumped on the market;
- **Assess and report results on impacts of this year's harvest action on CP25**, possibly the USDA and state, federal, and NGO conservation partners cooperate to conduct such assessment;
- **USDA should fund the NEPA analysis and possible EIS** to facilitate grazing as an authorized management tool on CP25.

Again, thanks for the opportunity to respond.

Steve Sorensen
Conservation VP
Kansas Wildlife Federation

Wikoff, Carla - FSA, Manhattan, KS

From: Steve Swaffar [swaffars@kfb.org]
Sent: Friday, July 27, 2012 9:06 AM
To: Kunze, Jean - FSA, Manhattan, KS; Wikoff, Carla - FSA, Manhattan, KS
Cc: Winkler, Rod - FSA, Manhattan, KS
Subject: CP-25

Kansas Farm Bureau encourages the use of CP-25 for haying in this drought situation.

Steve M. Swaffar

Director of Natural Resources
Kansas Farm Bureau
800 SW Jackson, Suite 1300
Topeka, KS 66612
swaffars@kfb.org
785-234-4535

Wikoff, Carla - FSA, Manhattan, KS

From: Foley, Greg [Greg.Foley@KDA.KS.GOV]
Sent: Friday, July 27, 2012 9:21 AM
To: Wikoff, Carla - FSA, Manhattan, KS
Cc: Winkler, Rod - FSA, Manhattan, KS; Rodman, Dale; McClaskey, Jackie; Riemann, Jim
Subject: RE: Input on Haying CP25

Carla, as per the subject matter below, and as a member of the Kansas Technical Committee, the Division of Conservation, Kansas Department of Agriculture supports the efforts to assist ranchers in allowing one-time haying of CP 25 for forage in these extreme drought stricken counties.

The Secretary and the Governor have both addressed support for this as well, at the very recent video conference on drought with Senator Roberts. If you need a written comments from both or either, in addition to this email reply, please let me know.

Thank you, Rod and Adrian for your efforts to respond to producer needs during this extreme drought.

Thanks Carla, Greg

From: Winkler, Rod - FSA, Manhattan, KS [mailto:rod.winkler@ks.usda.gov]
Sent: Thursday, July 26, 2012 3:08 PM
To: barth.crouch@pljv.org; Smith, Matt; Michael_Disney@fws.gov; greg_kramos@fws.gov; Steve Sorensen; Benfer, Gaye - NRCS, Salina, KS; Franklin, Joni - NRCS, Salina, KS; Burr, Andy - NRCS, Salina, KS; JMartincich@pheasantsforever.org; Klataske, Ron; mikeb@kla.org; randbproduce@hotmail.com; Foley, Greg; rmanes@tnc.org; jmcjunkin@nwtf.net; tmedley@kdhe.state.ks.us; Metzger, Susan; schaff.steve@epa.gov; troyas@gbta.net; Streeter, Tracy; swaffars@kfb.org
Cc: Polansky, Adrian - FSA, Manhattan, KS; Wikoff, Carla - FSA, Manhattan, KS; Kunze, Jean - FSA, Manhattan, KS; Salava, Jack - FSA, Manhattan, KS
Subject: Input on Haying CP25

KTC members,

Yesterday, Senator Pat Roberts and Governor Sam Brownback called together Kansas leadership for a roundtable discussion meeting on drought assistance and coordination efforts in Topeka. In addition to the Senator and Governor in attendance were the leadership from Kansas Dept. of Ag, Kansas Water Office, USDA Risk Management, USDA Farm Service, Kansas State Climatologist, Kansas Rural Water, Kansas Farm Bureau, Kansas Livestock Association and Kansas Grain & Feed Assoc.

The Senator described the 2012 drought as extreme with fully eighty percent of Kansas now in extreme drought and twenty percent in severe as designated on the US Drought Monitor Map and requested all leadership to take all necessary steps within their organization to provide assistance to livestock and crop producers.

One of the key issues raised during the session is the lack of forage for livestock due to loss of pasture, hay crops, forage crops and corn silage due to the extreme drought covering most of the country. The current steps taken to release forage available on Conservation Reserve acres thru emergency grazing and haying including Emergency grazing on CP25, Rare and Declining Habitat, in a timely fashion has been of significant importance.

The group identified the need for further action to also release practice CP25 for emergency haying as well. This discussion was based upon pastures being nearly completely gone statewide, with producers now feeding winter hay supplies from half of a 2012 hay crop to sustain core herds. In 2012, no reserves remain from 2011, and the area impacted covers most of the country. The forage needed is hay for winter hay supplies. Kansas has 725,000 acres enrolled in practice CP25.

Wikoff, Carla - FSA, Manhattan, KS

From: Michael_Disney@fws.gov
Sent: Friday, July 27, 2012 4:14 PM
To: swaffars@kfb.org; tstreeter@kwo.state.ks.us; troyas@gbta.net; schaff.steve@epa.gov; susan.metzger@kwo.ks.gov; tmedley@kdhe.state.ks.us; jmcjunkin@nwtf.net; rmanes@tnc.org; greg.foley@scc.ks.gov; randbproduce@hotmail.com; mikeb@kla.org; Klataske, Ron; JMartincich@pheasantsforever.org; Burr, Andy - NRCS, Salina, KS; Franklin, Joni - NRCS, Salina, KS; Benfer, Gaye - NRCS, Salina, KS; greg_kramos@fws.gov; Michael_Disney@fws.gov; Smith, Matt; barth.crouch@pljv.org; Winkler, Rod - FSA, Manhattan, KS
Cc: Salava, Jack - FSA, Manhattan, KS; Kunze, Jean - FSA, Manhattan, KS; Wikoff, Carla - FSA, Manhattan, KS; Polansky, Adrian - FSA, Manhattan, KS; Matthew_Filsinger@fws.gov; Heather_Johnson@fws.gov
Subject: Re: Input on Haying CP25

Carla and Jean,

The Service appreciates the opportunity to comment on the consideration of releasing CP25 for emergency haying. We commend your ongoing efforts to provide relief to producers struggling to cope with the effects of this drought. The CRP is once again playing a vital role in sustaining the agricultural operations of our private landowners who in turn play a vital role in sustaining our nation's fish and wildlife resources.

We concur with this consideration provided that the following clarifications and provisions are incorporated:

- No more than 50% of an enrolled field is hayed.
- A statement that authorization of emergency haying on CP25 acres constitutes a one-time waiver for 2012 only.
- Reports be provided to the State CRP Committee, the NRCS State Conservationist, the Kansas Department of Widlife, Parks and Tourism, and the U.S. Fish and Wildlife Service concerning the acres actually hayed and grazed by practice and by county.

Once again, thank you for providing the ability to comment on this consideration.

Sincerely,

Michael Disney
Kansas Partners for Fish and Wildlife Program
U.S. Fish and Wildlife Service
2609 Anderson Ave
Manhattan, KS 66502
Telephone (785) 539-3474 ext. 107
http://www.fws.gov/mountain-prairie/pfw/kansas/

U.S. Fish & Wildlife Service
Partners for Fish & Wildlife

Which generation are "you" serving?

Wikoff, Carla - FSA, Manhattan, KS

From: Smith, Matt [matt.smith@ksoutdoors.com]
Sent: Monday, July 30, 2012 10:20 AM
To: Winkler, Rod - FSA, Manhattan, KS; Wikoff, Carla - FSA, Manhattan, KS; Kunze, Jean - FSA, Manhattan, KS
Subject: Re: Input on Haying CP25

Rod, Carla,

KDWPT recognizes the difficult situation the drought has placed Kansas producers and would agree to allow haying on 50% of each field enrolled in CP25 outside of the primary nesting season. KDWPT has advocated in the past haying and grazing be approved as a management practice on CP25, hopefully emergency use of CP25 forage will prompt the FSA National Office into completing the NEPA process on all currently ineligible practices.

It will be critical for producers and wildlife to keep the 50% limitation on haying. No one can say how long the drought will continue so we should not allow all the forage reserves to be used at once. The 50% rule provides a safety net for nesting wildlife and livestock producers.

I would encourage we work together in the future to evaluate the effects haying and grazing have on CRP cover to insure all statutory program requirements are being met. Thank you for the opportunity to provide comment on this important issue.

On Thu, Jul 26, 2012 at 3:07 PM, Winkler, Rod - FSA, Manhattan, KS <rod.winkler@ks.usda.gov> wrote:

KTC members,

Yesterday, Senator Pat Roberts and Governor Sam Brownback called together Kansas leadership for a roundtable discussion meeting on drought assistance and coordination efforts in Topeka. In addition to the Senator and Governor in attendance were the leadership from Kansas Dept. of Ag, Kansas Water Office, USDA Risk Management, USDA Farm Service, Kansas State Climatologist, Kansas Rural Water, Kansas Farm Bureau, Kansas Livestock Association and Kansas Grain & Feed Assoc.

The Senator described the 2012 drought as extreme with fully eighty percent of Kansas now in extreme drought and twenty percent in severe as designated on the US Drought Monitor Map and requested all leadership to take all necessary steps within their organization to provide assistance to livestock and crop producers.

One of the key issues raised during the session is the lack of forage for livestock due to loss of pasture, hay crops, forage crops and corn silage due to the extreme drought covering most of the country. The current steps taken to release forage available on Conservation Reserve acres thru emergency grazing and haying including Emergency grazing on CP25, Rare and Declining Habitat, in a timely fashion has been of significant importance.

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Kansas FSA believes that a onetime haying of CP25 limited to 50% of each field is less detrimental than losing the enrollment of the CRP cover due to lack of availability of desperately needed hay to a farmer or rancher who will determine whether the acreage will be re-enrolled in the program in the future.

This decision is not a Kansas decision and will be made at the Secretary level. We fully realize the proposed action for this practice has not been evaluated under an assessment per the National Environmental Policy Act, but are seeking your counsel on whether there is support or there is not.

Following the meeting, FSA was requested to seek your input on the consideration for releasing CP25 for emergency haying. Please provide your input via email to Carla Wikoff and Jean Kunze Peterson using the email address reflected in cc above.

Thank You,

Rod Winkler

Kansas Farm Service Agency

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--
Matt Smith
Farm Bill Coordinator
Kansas Department of Wildlife and Parks
Office - 785-658-2465 Ext. 204
Cell - 620-450-7207

Wikoff, Carla - FSA, Manhattan, KS

From: Ron Klataske [ron_klataske@audubonofkansas.org]
Sent: Monday, July 30, 2012 4:28 PM
To: Winkler, Rod - FSA, Manhattan, KS
Cc: Barth Crouch; Matt Smith; Mike Disney; Greg_Kramos@fws.gov; Steve Sorensen; Benfer, Gaye - NRCS, Salina, KS; Franklin, Joni - NRCS, Salina, KS; Burr, Andy - NRCS, Salina, KS; Jordan Martincich; Mike Beam; Ron Brown; Greg Foley; Rob Manes; Jared McJunkin; Terry Medley; Susan Metzger; Steve Schaff; Troy Schroeder; tstreeter@kwo.state.ks.us; Polansky, Adrian - FSA, Manhattan, KS; Wikoff, Carla - FSA, Manhattan, KS; Kunze, Jean - FSA, Manhattan, KS; Salava, Jack - FSA, Manhattan, KS
Subject: Re: Input on Haying CP25

July 30, 2012

Dear Rod:

Although Audubon of Kansas has concurred with reasonable requests for emergency grazing and restricted haying of appropriate CRP fields prior to this proposal, we strongly object to the release of 725,000 acres enrolled in practice CP-25 in Kansas at this time, or any time during this ongoing drought. Although we share concern that hay supplies may be limited in many areas, and as with last year hay prices are elevated (like other agricultural commodities), the potential loss of hundreds of thousands of acres with haying of CP-25 "rare and declining habitat" CRP plantings could be astronomically costly for wildlife, conservation programs and elements of the economy that dependent on wildlife for as many years as it will take to recover the wildlife populations.

This is one of those occasions when the critical habitat provided by CRP fields with expenditures of hundreds of millions of tax dollars already invested in them in the Great Plains needs to be protected. Under the extended drought conditions that are being experienced over a vast area of the Great Plains, fields enrolled in practice CP-25 may be all there is in terms of survival habitat in significant landscapes for a wide range of wildlife species. This is particularly true for the imperiled Lesser Prairie-chicken of southwestern Kansas and portions of four other states in that area. Although Lesser Prairie-chicken populations in Kansas have reportedly "recovered some" in recent years, it has only occurred in Kansas and the primarily reason is because of habitat created by enrollment in CRP in the southwestern third of Kansas. The declines in other states may have been every more precipitous if it weren't for CRP in those areas. Because Lesser Prairie-chicken populations, and the survival of this species, are so precarious and have been for a number of years, landowners have received extra environmental index points for establishment of CRP enrollment (especially practice CP-25) in that area of the country. Now is when the birds (and other wildlife) need that habitat most for brood cover, foraging and escape habitat, winter cover in a few months, and critically as potential nesting habitat next spring—or the springs after if this drought continues and there is insufficient regrowth in other CRP fields cut this year or native grasslands grazed short.

It seems counter-productive to release hundreds of thousands of acres of CP-25 for haying when a broad coalition of conservation entities (federal, state and NGOs) have been working hard to build support for the NRCS EQIP Lesser Prairie Chicken initiative, and tens of thousands of additional acres to be enrolled to specifically benefit Lesser Prairie-chickens (and other at-risk species in that area) with State Acres for Wildlife Enhancement (SAFE), CP-38E Lesser Prairie Chicken Habitat Enhancement. SAFE proposals have been an ongoing effort since 2070. The purpose:

• To restore mixed-grass grasslands to maintain and enhance lesser prairie chicken populations.

Considerable progress has been made, but it pales in comparison to what may be lost if several hundred thousand acres of CRP enrolled in CP-25 are hayed this year in the range of the Lesser Prairie-chicken, especially considering that most other CRP fields have already been released for haying and grazing and at such a low cost for consumption that it makes it highly likely that it will be harvested regardless of hay quality or immediate need. Benefits to many wildlife species will be lost, as there will be few refugia for these species. Added mortality from predation, insufficient food and other factors will reduce survival in the few remaining suitable habitat areas of with concentration.

Because of astronomically high grain prices in recent years due in considerable measure to programs diverting grains from livestock feed and human food to mandated and subsidized production of ethanol and other biofuels, many hundreds of thousands (probably millions) of acres of native grassland (previously used as rangeland or haylands) have been converted to cultivated agriculture. Grain producers benefit from numerous subsidities and programs, however landowners who produce hay for market or retain native rangelands for rental generally do not. To some degree the value of their resources are diminished by CRP give away proposals. The drought will increase hay prices and pasture rent, but shouldn't the market be allowed to benefit those with hay production and pasture for rent?

Last year thousands of trucks hauled hay from the Dakotas to Texas. Hay that would normally have sold for less that $100 per ton was delivered to Texas cattle producers and feedlots with a value of $300 per ton or more, with the federal government reported paying two thirds of the cost ($200 per ton in many cases). Whether they knew it or not, taxpayers stepped up to the plate to dramatically help producers. Some stockmen hauled herds to Nebraska and elsewhere to graze corn stubble fields while awaiting rains and better soil moisture recovery back home. Risk management and land stewardship require adjustments in livestock numbers in years when available pastureland and hayland is unable to support optimum production, however severe droughts (particularly if they are multi-year) challenge the best of managers and often require herd reductions at less-that-optimal times in terms of price. We trust that many of the low yielding crop fields will not be harvested and will be available for grazing this fall and winter along with fields that are harvested.

It is expensive to haul hay long distances, and heart-wrenching for livestock producers to cut their herds to the carrying capacity of the land and resources they have available, but it is impossible to transport critical habitat needed for wildlife.

Earlier this month, Senator James Inhofe (R-OK), Ranking Member of the Senate Committee on Environment and Public Works, along with five members of the Kansas Congressional delegation and others, sent a letter to Fish and Wildlife Service (FWS) Director Dan Ashe urging the FWS not to list the Lesser Prairie-Chicken under the Endangered Species Act (ESA). (See the following news report:
http://www.canadafreepress.com/index.php/article/48128)

If USDA makes a decision to release 725,000 acres of CP-25 fields for haying in Kansas and more in other states it will become increasing likely that the Lesser Prairie-chicken will become threatened, or even endangered, if the drought persists and habitat conditions do not improve dramatically. Lesser Prairie-chicken nesting and brood-rearing success has already been dramatically diminished by drought conditions—and it is much worst when even that remaining drought-impacted habitat is diminished (possibly cut in half).

The proposed action of releasing additional CRP fields, especially CP-25 fields, for haying is likely to make it imperative that the Fish and Wildlife Service make a finding that the species is threatened or endangered.

In addition to imperiled species, there are other consequences to dramatic reductions in wildlife habitat contained in CRP fields. The State of Kansas and many entities within the state benefit economically from the presence of CRP habitat that supports populations of game species (including Pheasants, Northern Bobwhites, Greater Prairie-chickens, Mule Deer and White-tailed Deer to mention a few). Not only will wildlife populations be diminished, but also fields with suitable cover for hunting opportunities and the sale of resident and nonresident hunting licenses—and the economy that hunters contribute to ranging from motel stays, restaurant meals, sporting equipment sales to outfitting.
On Jul 26, 2012, at 3:07 PM, Winkler, Rod - FSA, Manhattan, KS wrote:

> KTC members,
>
> Yesterday, Senator Pat Roberts and Governor Sam Brownback called together Kansas leadership for a roundtable discussion meeting on drought assistance and coordination efforts in Topeka. In addition to the Senator and Governor in attendance were the leadership from Kansas Dept. of Ag, Kansas Water Office, USDA Risk Management, USDA Farm Service, Kansas State Climatologist, Kansas Rural Water, Kansas Farm Bureau, Kansas Livestock Association and Kansas Grain & Feed Assoc.
>
> The Senator described the 2012 drought as extreme with fully eighty percent of Kansas now in extreme drought and twenty percent in severe as designated on the US Drought Monitor Map and requested all leadership to take all necessary steps within their organization to provide assistance to livestock and crop producers.
>
> One of the key issues raised during the session is the lack of forage for livestock due to loss of pasture, hay crops, forage crops and corn silage due to the extreme drought covering most of the country. The current steps taken to release forage available on Conservation Reserve acres thru emergency grazing and haying including Emergency grazing on CP25, Rare and Declining Habitat, in a timely fashion has been of significant importance.
>
> The group identified the need for further action to also release practice CP25 for emergency haying as well. This discussion was based upon pastures being nearly completely gone statewide, with producers now feeding winter hay supplies from half of a 2012 hay crop to sustain core herds. In 2012, no reserves remain from 2011, and the area impacted covers most of the country. The forage needed is hay for winter hay supplies. Kansas has 725,000 acres enrolled in practice CP25.
>
> Kansas FSA believes that a onetime haying of CP25 limited to 50% of each field is less detrimental than losing the enrollment of the CRP cover due to lack of availability of desperately needed hay to a farmer or rancher who will determine whether the acreage will be re-enrolled in the program in the future.
>
> This decision is not a Kansas decision and will be made at the Secretary level. We fully realize the proposed action for this practice has not been evaluated under an assessment per the National Environmental Policy Act, but are seeking your counsel on whether there is support or there is not.
>
> Following the meeting, FSA was requested to seek your input on the consideration for releasing CP25 for emergency haying. Please provide your input via email to Carla Wikoff and Jean Kunze Peterson using the email address reflected in cc above.
>
> Thank You,
>
> Rod Winkler
> Kansas Farm Service Agency
>
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Ron Klataske
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Audubon of Kansas
210 Southwind Place
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785-537-4385
Ron_Klataske@audubonofkansas.org

Wikoff, Carla - FSA, Manhattan, KS

From: Jordan Martincich [JMartincich@pheasantsforever.org]
Sent: Monday, July 30, 2012 5:21 PM
To: Winkler, Rod - FSA, Manhattan, KS; Wikoff, Carla - FSA, Manhattan, KS
Cc: Marc Glades
Subject: RE: Input on Haying CP25

Rod and Carla,

Pheasants Forever echoes the below CP 25 recommendations made by Matt Smith of KDWPT and urges FSA to consider these recommendations.

"KDWPT recognizes the difficult situation the drought has placed Kansas producers and would agree to allow haying on 50% of each field enrolled in CP25 outside of the primary nesting season. KDWPT has advocated in the past haying and grazing be approved as a management practice on CP25, hopefully emergency use of CP25 forage will prompt the FSA National Office into completing the NEPA process on all currently ineligible practices.

It will be critical for producers and wildlife to keep the 50% limitation on haying. No one can say how long the drought will continue so we should not allow all the forage reserves to be used at once. The 50% rule provides a safety net for nesting wildlife and livestock producers.

I would encourage we work together in the future to evaluate the effects haying and grazing have on CRP cover to insure all statutory program requirements are being met. Thank you for the opportunity to provide comment on this important issue."

Please let us know if there is anything we can do to help.

Thanks,

[illegible] Martincich | **Development Officer**

Pheasants Forever, Inc. and Quail Forever | 1740 South Willow Street | Ottawa, KS 66067
p. (785) 242-3175 | m. (816) 560-1070 | JMartincich@pheasantsforever.org

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[illegible] ♦ www.QuailForever.org ♦ **www.NationalPheasantFest.org**

From: Winkler, Rod - FSA, Manhattan, KS [mailto:rod.winkler@ks.usda.gov]
Sent: Thursday, July 26, 2012 3:08 PM
To: barth.crouch@pljv.org; Smith, Matt; Michael_Disney@fws.gov; greg_kramos@fws.gov; Steve Sorensen; Benfer, Gaye - NRCS, Salina, KS; Franklin, Joni - NRCS, Salina, KS; Burr, Andy - NRCS, Salina, KS; Jordan Martincich; Klataske, Ron; mikeb@kla.org; randbproduce@hotmail.com; greg.foley@scc.ks.gov; rmanes@tnc.org; jmcjunkin@nwtf.net;

tmedley@kdhe.state.ks.us; susan.metzger@kwo.ks.gov; schaff.steve@epa.gov; troyas@gbta.net; tstreeter@kwo.state.ks.us; swaffars@kfb.org
Cc: Polansky, Adrian - FSA, Manhattan, KS; Wikoff, Carla - FSA, Manhattan, KS; Kunze, Jean - FSA, Manhattan, KS; Salava, Jack - FSA, Manhattan, KS
Subject: Input on Haying CP25

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Following the meeting, FSA was requested to seek your input on the consideration for releasing CP25 for emergency haying. Please provide your input via email to Carla Wikoff and Jean Kunze Peterson using the email address reflected in cc above.

Thank You,

Rod Winkler
Kansas Farm Service Agency

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United States Department of the Interior

FISH AND WILDLIFE SERVICE

P.O. Box 247
Brooking, SD 57006
605-697-2500

July 16, 2012

Mr. Craig Schaunaman, State Executive Director
Farm Service Agency
200 4th St. SW., Rm 308
Huron, SD 57350

Dear Mr. Schaunaman,

As you well know, the vast majority of SD counties are currently in a state of Moderate drought and many in the Severe category as described by the U.S. Drought Monitor. With the weather forecast for no appreciable precipitation in the immediate future, we can only expect the classification of more counties into the Severe category when the updated data is released this coming Thursday, July 19th. The ongoing drought is unquestionably having an impact on the amount of forage available for SD livestock producers.

The FWS supports the use of the Conservation Reserve Program (CRP) wetland practices CP23, CP23A, CP27, CP28, CP37 and CP41 for emergency grazing and haying outside of the primary nesting season in 2012. The median size of the approximately 930,000 wetlands in eastern SD is 0.4 acres. The wetlands are a small but integral part of the landscape. A wetland within a CRP tract functions the same independently of which CRP conservation practice it was initially enrolled, e.g. CP23, CP1 or CP2. Grass species have evolved with periodic disturbance as part of their life cycle, typically either grazing or fire. It's difficult at best to manage upland grasses in eastern SD without managing the associated wetlands because of the amount and size of them. Although grazing would be the preferred method for CRP emergency release because it simulates historical disturbance more closely than haying, one must realize the grazing infrastructure such as fence and livestock water especially in a drought year, in most cases, is not available to conduct grazing on CRP tracts. Therefore haying in many cases is the only alternative for emergency release.

The CRP, long lauded for public benefits such as erosion control, improved water quality, carbon sequestration and abundant wildlife populations, should also be recognized for helping maintain the ranching community. Landowners that maintain private grassland and wetland complexes for livestock production afford the majority of habitat available for grassland and wetland dependent wildlife species. In these times of economic uncertainty for the livestock community, exacerbated by the drought, we need to make every effort to help support this livelihood. Because of the persistent drought in SD, the FWS supports the use of CRP wetland practices

TAKE PRIDE® IN AMERICA

CP23, CP23A, CP27, CP28, CP37 and CP41 for emergency grazing and haying outside of the primary nesting season in 2012.

Feel free to contact me with questions.

Sincerely,

Boyd Schulz
SD Assistant Partners for Fish and Wildlife Coordinator