

For: FSA Offices

Clarifying Policy of New Managed Haying and Grazing Provisions for Certain Situations and NEPA Compliance on Changing Primary Nesting Season

Approved by: Deputy Administrator, Farm Programs



1 Overview

A Background

Notice CRP-540 indicated that provisions of the National Wildlife Federation settlement agreement:

- apply to new contracts, including re-enrolled contracts authorized under Notices CRP-514 and CRP-519, approved **after** September 25, 2006
- apply to existing contracts, provided managed haying and grazing was not authorized by COC, or designee, under a conservation plan of operations **before** September 26, 2006
- do **not** apply to existing contracts, including an extension of existing contracts, provided managed haying and grazing was authorized by COC, or designee, under a conservation plan of operations **before** September 26, 2006.

B Purpose

This notice provides additional guidance for the following:

- NEPA compliance
- CRP pending offers not approved by September 30, 2006
- managed haying and grazing
- required management.

Disposal Date	Distribution
January 1, 2008	All FSA Offices; State Offices relay to County Offices

2 NEPA and Pending Offers

A NEPA Compliance

If any State Office not affected by the settlement agreement wishes to change the primary nesting season beginning or ending date for emergency haying and grazing, an Environmental Assessment (EA) must be completed at their own cost according to 1-EQ, Section 2. After completing EA process and issuing a "Finding of No Significant Impact", if any, the request may be forwarded to CEPD for approval.

B Effective Dates for Contracts Not Approved by September 30, 2006

Contracts not approved by September 30, 2006, shall become effective the first of the month after the month CRP-1 is approved, with the contract period adjusted accordingly.

Example: CRP-1 approved on October 10 shall have an effective date of November 1 with duration of 10 years and 11 months.

Note: CRP contracts **cannot** exceed 15 years.

3 Managed Haying and Grazing

A New Contracts, Extensions, and Re-enrollments

New contracts, extensions, and re-enrollments that were not signed by producers, did **not** have a Conservation Plan of Operations (CPO), and were **not** approved by COC before September 26, 2006, shall follow the **new** provisions according to the settlement agreement.

B Contracts Signed and Not Approved

New contracts, extensions, and re-enrollments that were signed by producers, had CPO, and were **not** approved by COC before September 26, 2006, shall follow the **new** provisions according to the settlement agreement.

C Contracts Signed and Approved

New contracts, extensions, and re-enrollments that were signed by producers, had CPO, and were approved by COC before September 26, 2006, shall follow the **original** provisions.

D States Not Affected by the Settlement Agreement

New contracts, extensions, and re-enrollments in States not included in the settlement agreement are not affected by the settlement agreement. New contracts, extensions, and re-enrollments that are not signed by producers, do **not** have CPO, or are not approved by COC before September 26, 2006, shall follow the **original** provisions.

Notice CRP-552

4 Primary Nesting Season Dates

A Required Management of CRP Acreage

New primary nesting season dates established in the settlement agreement shall apply for required management provisions in the States listed in the settlement agreement and in Notice CRP-537, Exhibit 1.

B Emergency Haying and Grazing

New primary nesting season dates established in the settlement agreement shall apply for emergency haying and grazing provisions in the States listed in the settlement agreement and in Notice CRP-537, Exhibit 1.

C Practice Maintenance on CRP Acreage

New primary nesting season dates established in the settlement agreement shall apply for practice maintenance while maintaining the approved cover in the States listed in the settlement agreement and in Notice CRP-537, Exhibit 1.

5 Managed Haying and Grazing Rotation Schedules

A 10-Year Contracts in States Limited to Managed Haying or Grazing 1 in 10 Years

States limited by the settlement agreement to conduct managed haying no more frequently than once every 10 years and limited to 50 percent of the field or contiguous fields, once in 5 years must wait 5 years between halves. Managed haying or grazing may **not** begin until 12 months after the cover is fully established.

Example 1: Participant A has a new 10-year contract containing a 100 acre field of practice CP1. The Technical Service Provider (TSP) certifies the cover is fully established in year 2. Participant A is approved to conduct managed haying on the 50 acres in Field 1A in year 3. Participant may conduct managed haying on the 50 acres in Field 1B any year beginning year 8.

Field 1A	Field 1B
Managed Haying 50 Acres Year 3	Managed Haying 50 Acres Year 8

5 Managed Haying and Grazing Rotation Schedules (Continued)

A 10-Year Contracts in States Limited to Managed Haying or Grazing 1 in 10 Years (Continued)

Example 2: Participant B has an existing 10-year contract containing a 100 acre field of practice CP1. TSP certified the cover is fully established in year 2. Participant B is in year 7 of the contract and wishes to begin managed haying. Participant B is approved to conduct managed haying on the 50 acres in Field 1A in year 7. Participant may **not** conduct managed haying on the 50 acres in Field 1B because the contract expires before the 5-year waiting period ends.

Field 1A	Field 1B
Managed Haying 50 Acres Year 7	Managed Haying Not Authorized

Example 3: Participant C has a new 10-year contract containing a 100 acre field of practice CP1. TSP certifies the cover is fully established in year 2. Participant C wants to conduct managed haying on a 1/3, 1/3, 1/3 rotation. Participant C may **not** conduct managed haying on a 1/3, 1/3, 1/3 basis since the participant must wait 5 years between haying the first 50 percent and the second 50 percent. If Participant C is approved to conduct managed haying on the 30 acres in Field 1A in year 3, then Participant C may conduct managed haying on no more than 20 acres in Field 1B beginning in year 4. Participant C must wait until year 8 to conduct managed haying again, and may hay no more than the 30 acres in Field 1C. Participant C may hay the remaining 20 acres in Field 1D in year 9 or 10.

Field 1A	Field 1B	Field 1C	Field 1D
Managed Haying 30 Acres Year 3	Managed Haying 20 Acres Year 4	Managed Haying 30 Acres Year 8	Managed Haying 20 Acres Year 9

B 15-Year Contracts in States Limited to Managed Haying or Grazing 1 in 10 Years

States limited by the settlement agreement to conduct managed haying no more frequently than once every 10 years and limited to 50 percent of the field or contiguous fields, once in 5 years must wait 5 years between halves. Managed haying may not begin until 12 months after the cover is fully established

5 Managed Haying and Grazing Rotation Schedules (Continued)

B 15-Year Contracts in States Limited to Managed Haying or Grazing 1 in 10 Years (Continued)

Example 1: Participant A has a new 15-year contract containing a 100 acre field of practice CP1. TSP certifies the cover is fully established in year 2. Participant A is approved to conduct managed haying on the 50 acres in Field 1A in year 3. Participant A may conduct managed haying on the 50 acres in Field 1B any year beginning year 8. Participant A may conduct managed haying again on the 50 acres in Field 1A any year beginning year 13. Participant A may **not** conduct managed haying again on the 50 acres in Field 1B because the contract expires before the 5-year waiting period ends.

Field 1A	Field 1B
Managed Haying 50 Acres Year 3 and Year 13	Managed Haying 50 Acres Year 8

Example 2: Participant B has an existing 15-year contract containing a 100 acre field of practice CP1. TSP certified the cover is fully established in year 2. Participant B is in year 7 of the contract and wishes to begin managed haying. Participant B is approved to conduct managed haying on the 50 acres in Field 1A in year 7. Participant B may conduct managed haying on the 50 acres in Field 1B any year beginning year 12. Participant B may **not** conduct managed haying on the 50 acres in Field 1A a second time because the contract expires before the 5-year waiting period ends.

Field 1A	Field 1B
Managed Haying 50 Acres Year 7	Managed Haying 50 Acres Year 12

5 Managed Haying and Grazing Rotation Schedules (Continued)

B 15-Year Contracts in States Limited to Managed Haying or Grazing 1 in 10 Years (Continued)

Example 3: Participant C has a new 15-year contract containing a 100 acre field of practice CP1. TSP certifies the cover is fully established in year 2. Participant C wants to conduct managed haying on a 1/3, 1/3, and 1/3 rotation. Participant C may **not** conduct managed haying on a 1/3, 1/3, and 1/3 basis since the participant must wait 5 years between haying the first 50 percent and the second 50 percent. If Participant C is approved to conduct managed haying on the 30 acres in Field 1A in year 3, then Participant C may conduct managed haying on no more than the 20 acres in Field 1B beginning year 4. Participant C must wait until year 8 to conduct managed haying again, and may hay no more than the 30 acres in Field 1C. Participant C may hay the remaining 20 acres in Field 1D in year 9 or 10. Participant C must wait 5 years before he may conduct managed haying again on the 50 acres in Fields 1A and 1B. Participant C may conduct managed haying on the 30 acres in Field 1A in year 13 and then the 20 acres in Field 1B in year 14, or Participant C may conduct haying on all 50 acres in year 14 or 15.

Field 1A	Field 1B	Field 1C	Field 1D
Managed Haying 30 Acres Year 3 and Year 13	Managed Haying 20 Acres Year 4 and Year 14	Managed Haying 30 Acres Year 8	Managed Haying 20 Acres Year 9

C 10-Year Contracts in States Limited to Managed Grazing 1 in 5 Years

States limited by the settlement agreement to conduct managed grazing no more frequently than once every 5 years may graze up to 75 percent of the acreage at no more than 75 percent of TSP’s determined stocking rate. Managed grazing may not begin until 12 months after the cover is fully established.

Example 1: Participant A has a new 10-year contract containing a 100 acre field of practice CP1. TSP certifies the cover is fully established in year 2. Participant A is approved to conduct managed grazing on the 50 acres in Field 1A in year 3. Participant may conduct managed grazing on the 50 acres in Field 1B any year beginning year 4. Participant A may conduct managed grazing on the 50 acres in Field 1A again in year 9, and conduct managed grazing on the 50 acres in Field 1B in year 10.

Field 1A	Field 1B
Managed Grazing 50 Acres Year 3 and Year 9	Managed Grazing 50 Acres Year 4 And Year 10

5 **Managed Haying and Grazing Rotation Schedules (Continued)**

C 10-Year Contracts in States Limited to Managed Grazing 1 in 5 Years (Continued)

Example 2: Participant B has an existing 10-year contract containing a 100 acre field of practice CP1. TSP certified the cover is fully established in year 2. Participant B is in year 7 of the contract and wishes to begin managed grazing. Participant B is approved to conduct managed grazing on the 50 acres in Field 1A in year 7. Participant may conduct managed grazing on the 50 acres in Field 1B in any year beginning year 8. Participant may **not** conduct managed grazing on the 50 acres in Field 1A again because the contract expires before the 5-year waiting period ends.

Field 1A	Field 1B
Managed Grazing 50 Acres Year 7	Managed Grazing 50 Acres Year 8

Example 3: Participant C has a new 10-year contract containing a 90 acre field of practice CP1. TSP certifies the cover is fully established in year 2. Participant C wants to conduct managed grazing on a 1/3, 1/3, and 1/3 rotation. If Participant C is approved to conduct managed grazing on the 30 acres in Field 1A in year 3. Participant C may conduct managed grazing on the 30 acres in Field 1B in year 4. Participant C may conduct managed grazing on the remaining 30 acres in Field 1C beginning year 5. Participant may **not** conduct managed grazing on any acreage again because the contract expires before the 5-year waiting period ends.

Field 1A	Field 1B	Field 1C
Managed Grazing 30 Acres Year 3	Managed Grazing 30 Acres Year 4	Managed Grazing 30 Acres Year 5

5 **Managed Haying and Grazing Rotation Schedules (Continued)**

D 15-Year Contracts in States Limited to Managed Grazing 1 in 5 Years

States limited by the settlement agreement to conduct managed grazing no more frequently than once every 5 years may graze up to 75 percent of the acreage at no more than 75 percent of the TSP's determined stoking rate. Managed grazing may not begin until 12 months after the cover is fully established.

Example 1: Participant A has a new 15-year contract containing a 100 acre field of practice CP1. TSP certifies the cover is fully established in year 2. Participant A is approved to conduct managed grazing on the 50 acres in Field 1A in year 3. Participant A may conduct managed grazing on the 50 acres in Field 1B any year beginning year 4 and chooses year 4. Participant A may conduct managed grazing again on the 50 acres in Field 1A again in year 8. Participant A may conduct managed grazing again on the 50 acres in Field 1B in year 9. Participant A may conduct managed grazing again on the 50 acres in Field 1A in year 13. Participant A may conduct managed grazing again on the 50 acres in Field 1B in year 14.

Field 1A	Field 1B
Managed Grazing 50 Acres Year 3, Year 8, and Year 13	Managed Grazing 50 Acres Year 4, Year 9, and Year 14

Example 2: Participant B has an existing 15-year contract containing a 100 acre field of practice CP1. TSP certified the cover is fully established in year 2. Participant B is in year 7 of the contract and wishes to begin managed grazing. Participant B is approved to conduct managed grazing on the 50 acres in Field 1A in year 7. Participant may conduct managed grazing on the 50 acres in Field 1B any year beginning year 8. Participant may conduct managed grazing on the 50 acres in Field 1A again any year beginning year 13. Participant may conduct managed grazing on the 50 acres in Field 1B again in year 14 or 15.

Field 1A	Field 1B
Managed Grazing 50 Acres Year 7 and Year 13	Managed Grazing 50 Acres Year 8 and Year 14

Notice CRP-552

5 Managed Haying and Grazing Rotation Schedules (Continued)

D 15-Year Contracts in States Limited to Managed Grazing 1 in 5 Years (Continued)

Example 3: Participant C has a new 15-year contract containing a 90 acre field of practice CP1. TSP certifies the cover is fully established in year 2. Participant C wants to conduct managed grazing on a 1/3, 1/3, and 1/3 rotation. If Participant C is approved to conduct managed grazing on the 30 acres in Field 1A in year 3. Participant C may conduct managed grazing on the 30 acres in Field 1B in year 4. Participant C may conduct managed grazing on the remaining 30 acres in Field 1C beginning year 5. Participant C may conduct managed grazing on the 30 acres in Field 1A again in year 10. Participant C may conduct managed grazing on the 30 acres in Field 1B again in year 11. Participant C may conduct managed grazing on the remaining 30 acres in Field 1C again beginning year 12.

Field 1A	Field 1B	Field 1C
Managed Grazing 30 Acres Year 3 and Year 10	Managed Grazing 30 Acres Year 4 and Year 11	Managed Grazing 30 Acres Year 5 and Year 12