

For: AZ, CA, CO, ID, IN, KS, MT, ND, NE, NM, NV, NY, OK, OR, SD, TX, UT, WA, WI, and WY
State and County Offices

**Compliance With the National Environmental Policy Act (NEPA)
for Managed Haying and Grazing**

Approved by: Acting Deputy Administrator, Farm Programs



1 Overview

A Background

In October 2004, the National Wildlife Federation (NWF), Arkansas Wildlife Federation, Kansas Wildlife Federation, Indiana Wildlife Federation, Louisiana Wildlife Federation, South Dakota Wildlife Federation, and Washington Wildlife Federation filed a complaint in the U.S. District Court for the Western District of Washington challenging certain provisions of CRP managed haying and grazing and alleging violations of the following:

- NEPA, as amended
- Food Security Act of 1985, as amended
- Administrative Procedures Act, as amended.

A settlement agreement with NWF has been signed.

B Purpose

This notice provides guidance on some of the steps FSA will be taking to achieve compliance with the provisions of the settlement agreement when considering whether and how CRP managed haying and grazing is to be allowed on lands enrolled in CRP.

C Contacts

The following table provides contacts if there are questions about this notice.

IF...	THEN contact...
a County Office employee	State's SEC.
an SEC	Matthew Ponish at 202-720-6853.

Disposal Date	Distribution
January 1, 2007	Above State Offices; State Offices relay to County Offices and NRCS State Offices

Notice EQ-125

2 General Policy

A Applicability

The provisions of this notice are effective immediately. Until such time that additional NEPA analysis can be completed, FSA will operate its managed haying and grazing provisions for CRP according to policy provided in Notice CRP-537.

B Completing NEPA Documents and Analysis

After completing State Preliminary Environmental Assessments (PEA's), the National Office may amend its managed haying and grazing policy to reflect any changes that may have been desired or necessitated as a result of the findings of the NEPA analysis.

3 Action

A PEA's

To fulfill the terms and conditions of the settlement agreement, FSA will complete PEA's for each of the following States:

- Arizona
- California
- Colorado
- Idaho
- Indiana
- Kansas
- Montana
- Nebraska
- Nevada
- New Mexico
- New York
- North Dakota
- Oklahoma
- Oregon
- South Dakota
- Texas
- Utah
- Washington
- Wisconsin
- Wyoming.

B National Office Action

Before beginning any work on PEA's for specified States, DAFP will conduct a conference call with each SED, SEC, and State Conservation Specialist to fully explain the requirements of NEPA as it pertains to the terms and conditions of the settlement agreement. This is expected to occur after NEPA analysis contract award during the 1st fiscal quarter, subject to funds availability.

CEPD will:

- be responsible for all contractual requirements associated with the development of all PEA's for the specified States
- provide appropriate training and support for State and County personnel
- provide periodic updates to the specified States about the progress of PEA's and the contract.

C SEC's and State Conservation Specialists Action

SEC's and State Conservation Specialists will carry out duties and tasks as determined necessary by the contracting officer or his/her representative to fulfill the requirements of the settlement agreement.