

CASE STUDY: Critical Feed Use on CRP Land

AUTHORS: Drake Larsen, Stefans Gailans, Nicholas Ohde, Mae Rose Petrehn, Claudia Marcela Prado-Meza, and Lisa Wasko

INTRODUCTION:

In 1985, Congress established the Conservation Reserve Program (CRP) through the United States Department of Agriculture (USDA). One of the core objectives of this program is the preservation and enhancement of natural resources and ecosystem integrity. Specifically, land enrolled in CRP putatively benefit from reduced soil erosion, enhanced water quality, and the re-creation and/or preservation of wildlife habitats. All the while, farmers and ranchers who formerly used the land for agricultural production are financially assisted via government subsidies. Farmers and ranchers voluntarily apply to the USDA to enroll their land in CRP programs. Should the application be accepted, farmers and ranchers receive annual rental payments for a contractually established period of time. During that time, farmers must abide to rules established by the CRP, namely, to not utilize the enrolled land for agricultural production.

To date, CRP it is the oldest and largest national private-lands conservation program. As of 2007, about 36.8 million acres of land has been enrolled in CRP. Since its inception, it has been the source of much controversy. Proponents of CRP claim that some of the benefits include enhanced environmental quality and wildlife preservation. According to the 2007 edition of *USDA Conservation Reserve Program Summary and Enrollment Statistics* issued by the Farm Service Agency (FSA), some of the measureable benefits of CRP include:

- Reducing runoff of sediment (207 million tons), nitrogen (480 million pounds), and phosphorus (108 million pounds) from agricultural soils.
- Restoring and protecting 2.1 million acres of wetlands and adjacent buffers.
- Establishing 1.9 million acres of grass and forested buffers along the nation's rivers and streams.
- Improving populations of Prairie Pothole ducks, ring-necked pheasants, sage grouse, bobwhite quail, and other grassland birds.
- Sequestering over 50 million tons of carbon.

In contrast, many argue against CRP and some of its uses, particularly regarding critical feed use (CFU) modifications. Authorization of haying and grazing of CRP land is provided under conditions in which: 1) it would improve the quality of CRP land or 2) in the event of natural disasters whereby CRP land is utilized for emergency animal feed. Any haying and grazing operations must be managed and/or in the event of an emergency. Moreover, CFU must be approved by local FSA service centers and has both temporal and spatial constrains. Specifically, CRP land cannot be enrolled for CFU during primary bird nesting seasons and on environmentally sensitive land.

Opponents of CFU argue that, despite these regulations, haying and grazing exacerbates environmental problems and is an inadequate component to the USDA's conservation program. Research suggests haying and grazing of former CRP land increases runoff and erosion (Gilley et al. 1996). Additional concern has been raised on the negative effects of CFU on wildlife populations, notably avian

populations. Interest groups such as the National Hay Association representing hay producers argue that the CFU has a negative economic impact on their operations, specifically on hay prices.

Considering the suite of these concerns, opponents of CFU advocate against the use of CRP land for animal feed use, regardless of management implementation or emergency conditions. Individuals and organizations supporting CFU argue that the effects of managed haying and grazing are benign. Moreover, they argue that the benefits of managed haying and grazing of CRP land outweighs any potential risks associated with such activities. While the CRP program has been heralded for its proactive contributions to conservation and wise land use management, the issue of CFU is in need of resolution.

ACTIVITY:

The USDA is aware of some of the controversies regarding CFU and is holding a private hearing to enhance their understanding and re-evaluate the issue. Your assignment is to present one of the following arguments regarding CFU on CRP land to the USDA.

According to their mission statement, the USDA provides “leadership on food, agriculture, natural resources, and related issues based on sound public policy, the best available science, and efficient management.” Moreover, the USDA recognizes the dynamic and rapidly evolving nature of agriculture in the United States. One of their key concerns outlined in their strategic plan is the management and protection of both public and private lands, all the while working cooperatively with the private sector. Therefore, the issue of CFU on CRP land is of paramount interest. The scope of your argument should address the core objectives of the USDA. Moreover, you should provide sound and adequate information for the USDA to act responsibly on this matter.

The four instructors for our course will serve as a panel of USDA representatives you must direct your arguments towards. Hopefully we will have time at the end of class for the panel to comment on your presentations.

Additional information about the USDA can be found at www.usda.gov/

SOURCES:

“Conservation Reserve Program (CRP) Benefits: Water Quality, Soil Productivity and Wildlife Estimates Fact Sheet.” USDA Farm Service Agency. March 2009. <http://www.fsa.usda.gov/Internet/FSA_File/crpbennies.pdf>.

“Conservation Reserve Program-Critical Feed Use Fact Sheet.” USDA Farm Service Agency. May 2008. <http://www.fsa.usda.gov/FSA/newsReleases?area=home&subject=empl&topic=pfs&newstype=prfactsheet&type=detail&item=pf_20080527_consv_en_crpcritus.html>.

Gilley, J.E., Patton, B.D., Nyren, P.E., and J.R. Simanton. 1996. Grazing and haying effects on

runoff and erosion from a former conservation reserve program site. *Applied Engineering in Agriculture*. 12(6): 681-684.

“USDA Conservation Reserve Program: Summary and Enrollment Statistics.” USD Farm Service Agency. 2007. < http://www.fsa.usda.gov/Internet/FSA_File/annual_consv_2007.pdf>.

USDA Mission Statement. 2008. <http://www.usda.gov/wps/portal/!ut/p/_s.7_0_A/7_0_1OB/.cmd/ad/ar/sa.retrievecontent/.c/6_2_1UH/.ce/7_2_5JN/.p/5_2_4TR/.d/0/_th/J_2_9D/_s.7_0_A/7_0_1OB?PC_7_2_5JN_navid=MISSION_STATEMENT&PC_7_2_5JN_navtype=RT&PC_7_2_5JN_parentnav=ABOUT_USDA#7_2_5JN?>.

GROUPS:

1. **Rancher’s Advocacy Group**
2. **Wildlife Habitat Advocacy Group**
3. **National Hay Association**
4. **Wildlife Conservation Group**

1. **Rancher’s Advocacy Group, information on pages 6-8**



Rocky Mountain Farmer’s Union (RMFU)

Rocky Mountain Farmer’s Union is a progressive, grassroots organization founded in 1907 that represents family farmers and ranchers in Wyoming, Colorado, and New Mexico. The organization is dedicated to sustaining rural communities, to wise stewardship and use of natural resources, and to protection of a safe, secure food supply. RMFU supports its goals through education and legislation, as well as by encouraging the cooperative model for mutual economic benefit. For more information, visit www.rmfu.org.



Ranchers-Cattlemen Action Legal Fund (R-CALF)

R-CALF USA (Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America) is a national, non-profit organization dedicated to ensuring the continued profitability and viability of the U.S. cattle industry. R-CALF USA represents thousands of U.S. cattle producers on trade and marketing issues. Members are located across 47 states and are primarily cow/calf operators, cattle

backgrounders, and/or feedlot owners. R-CALF USA has dozens of affiliate organizations and various main-street businesses are associate members. For more information, visit www.r-calfusa.com or, call 406-252-2516.

2. Wildlife Habitat Advocacy Group, information on pages 9-11



Ducks Unlimited

With more than a million supporters, Ducks Unlimited is the world's largest and most effective wetland and waterfowl conservation organization with more than 12 million acres conserved. The United States alone has lost more than half of its original wetlands - nature's most productive ecosystem - and continues to lose more than 80,000 wetland acres each year.



Playa Lakes Joint Venture (PLJV)

The PLJV is a non-profit partnership of federal and state wildlife agencies, conservation groups, private industry and landowners dedicated to conserving bird habitat in the Southern Great Plains. They provide science-based guidance and decision-support tools for all-bird conservation throughout the region, as well as outreach, coordination and financial support to their partners and local groups to conduct on-the-ground habitat work. For more information, visit www.pljv.org.

3. **National Hay Association, information on pages 12-13**



National Hay Association

The National Hay Association is made up of people that are involved in the production, sale and transport of forage products across the United States and the world. As an organization we work for the good of the hay industry through knowledge among members, to legislation from our government. We are an independent organization with no commitments to any government groups.

NHA provides its members with information about farm equipment, forage crops, and marketing strategies. For more information visit, <http://www.nationalhay.org/>

4. **Wildlife Conservation Group, information on pages 14-17**



National Wildlife Federation (NWF)

NWF is a non-profit organization committed to educating, inspiring, and assisting individuals and organizations of diverse cultures to conserve wildlife and other natural resources and protect Earth's environment in order to achieve a peaceful, equitable and sustainable future. Created in 1936, today NWF is the nation's largest member-supported conservation group with more than four million members and supporters. For more information, visit <http://www.nwf.org>. NWF is represented in this case study by the Western Environmental Law Center (WELC). For more information on WELC, visit www.westernlaw.org.



Pheasants Forever

Pheasants Forever and Quail Forever are non-profit conservation organizations dedicated to the protection and enhancement of pheasant, quail, and other wildlife populations in North America through habitat improvement, land management, public awareness, and education. PF/QF has more than 129,000 members in 700 local chapters across the continent.



RMFU

Preventing Release of CRP Lands

Rocky Mountain Farmers Union President Kent Pepler, a Mead, Colo., farmer, issued a statement today on the temporary restraining order that prevents the USDA from approving Conservation Reserve Program contract amendments under the Critical Feed Use plan. The order, issued by a Washington State Federal District Court judge at the request of the National Wildlife Federation, impacts all states.

President Pepler's statement:

A rancher is not asking for Critical Feed Use waivers so he can exploit hay and grain prices; he's got cattle to feed. This restraining order is very likely to bankrupt some ranchers. Family agriculture is not the enemy of environmentalists or conservation. The enemy of conservation is continuing drought conditions. Drought reduces a rancher's access to native pastures for grazing and to alternative feed.

Farmers and ranchers are land stewards concerned with the long term benefit of their livestock and their land, including wildlife habitat. The CRP program is crafted to allow stewardship of the land without abusing the intent of the program. The Critical Feed Use waiver has been a part of CRP since 1985. If a rancher's CRP land is approved for grazing through a waiver, the rancher invests in making water available and putting up fencing to protect lands not affected by the waiver. Grazing and haying allowed via the Critical Feed Use plan provides other benefits to the environment by reducing the need for chemicals to control disease, weeds, and destructive pests.

The situation for beef production is dire. Drought conditions are requiring ranchers to liquidate herds at rates and levels that jeopardize their future as independent ranchers. Cutting them off from feed on their own lands is short-sighted. They are facing exactly the problem that Critical Feed Use waivers are meant to deal with. Expecting the government to respond to an emergency by doing an environmental impact study is not sensible.

Eastern Colorado is facing economic disaster caused by drought, energy costs, feed costs and reduced yields. We are grateful that some of the worst-hit counties are exempt from this restraining order under disaster relief edicts sought by Governor Ritter and approved by USDA. But there are ranchers in other areas being impacted by the drought that need assistance now. Critical Feed Use waivers offer that assistance.

It's a shame when family farmers and ranchers get caught in the crossfire between conservationists and agri-business. Rocky Mountain Farmers Union is concerned that the wildlife federations are attacking Critical Feed Use waivers to oppose efforts by some large agri-business corporations to seek changes in CRP rules for exploitive reasons. These businesses want the USDA to change the rules so producers can get out of CRP contracts without penalty. This would allow them to produce more commodities, resulting in lower market prices for producers and increased profit margins for agri-business. We ask the conservationists to oppose that rule change itself, without threatening the livelihoods of family ranchers and farmers who are operating their CRP lands within the existing rules and regulations.

Peppler, Kent (July 15, 2008). Preventing Release of CRP Lands. *Rocky Mountain Farmers Union*. Retrieved October 29, 2008, from <http://www.rmfu.org/2008/07/15/preventing-release-of-crp-lands/>



R-CALF United Stockgrowers of America

Cattle Producers Seek Solutions to Judge's Halt of CRP Grazing

Billings, Mont. – R-CALF USA members in drought-stricken areas around the country are rapidly growing more and more concerned about their survival after learning that a federal judge in Washington state this week granted a temporary restraining order to some environmental groups, which immediately halts grazing of Conservation Reserve Program (CRP) land.

In May, the U.S. Department of Agriculture (USDA) decided to initiate the Critical Feed Use (CFU) program to help cattle farmers and ranchers by allowing grazing and hay production on CRP land because of drought and other natural disasters and because of the high costs of feed. The plaintiffs in this case assert that USDA should have conducted an environmental impact assessment before launching the Critical Feed Use program. A full hearing on the matter is scheduled for July 17.

“If these groups are worried about an environmental impact statement, they ought to look at the condition of the native range, which has taken a beating, and this program was going to be the bridge to try to get us down the road,” said R-CALF USA Member Gerald Schreiber, who ranches near Woodrow, Colo. “Any piece of CRP I’ve ever used is improved over the long-term. We’re not going to abuse the CRP land.

“This decision is a real slap,” he continued. “People have been fencing. They’ve been anticipating this because hay is \$150 a ton or more. This will continue to cause damage to our native range because you no longer have any options for moving your cattle. This decision affects your psyche. It just wears on you.

With corn as expensive as it is now, it’s a real quandary. ”Schreiber said to amplify his point that he wondered what people would think if they went to their local grocery stores and there was no beef available for purchase, or what would the public’s reaction be if people went to their favorite fast-food place and there were no longer burgers on the menu.

“This restraining order just creates anxiety, and there’s no reason for it,” Schreiber continued.

“Wildlife, including nesting birds, are adaptable. Because of our drought, a lot of our wildlife has moved away to find greener places, but where are we going to go with our cattle? CRP was our option.”

R-CALF USA Member Steve Parker ranches in the Oklahoma Panhandle and said he has been back and forth 50 miles to town several times to visit with officials at his Farm Service Agency office in the past two days and has spent a lot of time on the phone asking his congressional representatives to step in.

“Right now, I understand they’re scrambling trying to decide what to do with our \$75 CRP sign-up fee,” he said. “We gave that money in good faith. I spent the better part of three weeks building fence and moving tanks and scrambling trying to figure out how we’re going to water these cattle on these old, worn out wheat fields that have been planted back to blue stem grass, and now

some judge in Washington is telling me I can't run cattle on this, so yes, I'm upset. The Senator's office told me they're getting their heads together to fight this thing, and I said, 'Boys, hurry!' In another month, we'd just as well forget it. Time is of the essence."

R-CALF USA CEO Bill Bullard said the group supports USDA's efforts to provide assistance to cattle producers stricken by drought, floods and other natural disasters, and that the group will continue to explore how producers in drought-stricken areas can obtain needed relief.

In the meantime, Bullard recommended that producers in drought-stricken areas contact their state attorney general to ask their state to immediately intervene in the lawsuit that is currently blocking access to CRP acres.

"This may be the most effective means of resolving this issue, though contacts to members of Congress should also be made to ensure that no option is ignored," he said. "We were hoping that the combination of the permanent disaster assistance program contained in the new Farm Bill, along with USDA's Critical Feed Use program, would help to mitigate some of the financial losses experienced by cattle producers caused by prolonged drought and higher forage costs," Bullard said. "We encourage USDA to step forward immediately to make sure this temporary restraining order doesn't turn into an injunction, the effects of which will cause harm to numerous farmers and ranchers who continue battling a serious drought."

"Fighting for the U.S. Cattle Producer"

Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America (July 10, 2008) Cattle Producers Seek Solutions to Judge's Halt of CRP Grazing. Retrieved October 29, 2008, from http://www.r-calfusa.com/news_releases/2008/080710-solutions.htm



America's Duck Factory to Also Serve as Beef Factory Ducks Unlimited supports opening land to haying and grazing

WASHINGTON – May 27, 2008

Ducks Unlimited applauds the Department of Agriculture for their commitment to the viability of the Conservation Reserve Program, by allowing haying and grazing on qualifying CRP lands. In keeping CRP a practical option for landowners, it reinforces the importance of grasslands to the nation, especially in waterfowl breeding areas.

Often called the “holy grail” of conservation programs, the Conservation Reserve Program (CRP) has been extremely successful for breeding waterfowl in the Prairie Pothole Region of the Northern Great Plains. More than 2.2 million waterfowl are produced each year on CRP land in the Prairie Pothole Region. With loss of native prairie estimated to be at least 3.3 million acres over the next five years, keeping land enrolled in CRP is critical.

The land being opened to livestock forage will not be hayed or grazed until after the waterfowl nesting season, which runs in the US from the end of April through June.

“DU has long said that well managed ranching and duck nesting habitat work well together, and this move underscores how CRP serves both cattle and waterfowl,” said Director of Agriculture Conservation Policy, Barton James. “Using the land in this way is a better deal for ranchers, wildlife enthusiasts and taxpayers than trying to bring marginal cropland into production,”

“Without grass being protected under the Conservation Reserve Program, we would not have the needed reserves to protect grass-based agriculture,” James added

In addition to the benefits of CRP land to waterfowl and now cattle herds, the program has also been responsible for thousands of acres of wetlands and uplands that have been critical to mitigating the effects of droughts, like the one that the Great Plains is experiencing now. Allowing managed haying and grazing on select CRP land will maintain those mitigating qualities, while providing some relief from the dry conditions.

“Maintenance of the large expanse of CRP is critical to wildlife populations, but so is keeping a viable ranching industry,” said Director of Conservation Planning for the Great Plains Regional Office, Dr. Scott Stephens. “Having CRP evolve to continue to work for ranchers is key to maintaining wildlife populations across the PPR.”

Ducks Unlimited (May 27, 2008) America's Duck Factory to also serve as Beef Factory. Retrieved October 29, 2008, from <http://www.ducks.org/news/1584/AmericasDuckFactoryt.html>



PLJV Position on Grazing of Conservation Reserve Program Acres

Responding to recent livestock feed shortages, the U.S. Department of Agriculture (USDA) announced the release of 24 million general sign-up Conservation Reserve Program (CRP) acres for haying and grazing nationwide on May 27. On July 8, a U.S. District Court judge stopped this emergency haying and grazing of CRP acres at the request of the National Wildlife Federation (NWF) and six state affiliates. The final ruling on July 24 stated there will be no acreage cap on the Critical Feed Use provision. But the judge limited the program to farmers and ranchers who applied to use CRP acres for haying and grazing before July 8. In light of this lawsuit and the history of the CRP, the Playa Lakes Joint Venture (PLJV) is calling for a regional discussion about what the best management is for CRP acres for ground-nesting birds as well as for ranchers and farmers in the High Plains.

PLJV believes it is critical to obtain the three goals of the CRP, namely conserving soil, improving water quality and supporting wildlife, but it also must be balanced with the needs of ranchers and farmers. PLJV's position is that management strategies for CRP need to be regional, not national, because one size does not fit all. In the PLJV region, CRP grass stands range from old-world bluestems to introduced cool seasons to mixed stands of native grasses and forbs. The hope is that many of these acres will not be returned to growing annual crops of various commodities such as wheat, corn, soybeans, sorghum or cotton.

The NWF, with the six state affiliates, had asked for a temporary restraining order to stop the USDA from instituting the Critical Feed Use program for livestock needs. This action had severe financial consequences for ranchers and farmers primarily in the area of the southern High Plains. It also caused many landowners to question whether they want to continue to be part of the CRP. Under the final ruling, the USDA now may only approve any additional applicants who show they made investments before July 8 in anticipation of using their conserved land.

These feed shortages were caused by drought conditions in the PLJV region and by skyrocketing prices fueled by world-wide demand. This would allow the majority of general sign-up CRP acres to be hayed or grazed for one year during 2008. Participants would pay a \$75 fee and restricting the activity to only 50 percent of the fields either hayed or grazed at the National Resources Conservation Service's (NRCS) 75 percent stocking rate for the period following the end of the primary nesting season until Nov. 10. Under the final ruling, any haying or CRP acres under the Critical Feed Use provision must now be completed by Sept. 30 and grazing must be done by Oct. 15.

Because CRP is a voluntary program that is fully dependent on landowners willingness to enroll their land, their needs must be recognized and accommodated, especially in times of economic hardship. Adaptive management that allows the landowner to stay on the land while still creating the least short-term hardship for the wildlife dependent on CRP is the path to a long term, mutually successful partnership for all who want CRP to succeed.

So it is necessary to find ways to return these acres to viable grazing lands like they were originally before going under the plow. It also means these acres have to be managed by the tools allowed such as grazing, prescribed fire, strip disking and interseeding in order to bring them to where

they can become as close to native grasslands again as possible.

Since the beginning of the CRP in 1984, grazing as a tool for managing the vegetative cover of grasses and forbs or as a threat to this cover has been a topic of discussion among wildlife managers.

For many years the only way it occurred was under emergency haying and grazing procedures brought about in response to extreme drought conditions. After the 2002 Farm Bill, managed haying and grazing were instituted as a way to perform mid-contract management to rejuvenate decadent stands of CRP grasses.

In the past, disagreements over timing of the haying and grazing in several states led to a lawsuit by the NWF and several of its state affiliates. The settlement of that lawsuit led to changes in how haying and grazing were applied in the various states with large amounts of CRP acres. Recently a National Environmental Policy Act (NEPA) process was started to further refine the settlement policy to better fit the different regions.

The management tools currently available to CRP landowners include prescribed fire, mowing, strip disking, interseeding, haying and grazing. All have pros and cons but generally the wildlife community agrees that haying or mowing provides the fewest benefits for the grass stand and the most harm to wildlife concerns of nesting and brood-rearing cover. Fire is not well accepted in the drier parts of the PLJV region. Strip disking and interseeding are good but usually most effective when combined with one of the other practices. That leaves grazing as the one stand-alone practice that is good for increasing diversity and ground coverage in the grass stand while causing the least problems for ground-nesting birds in the year of application.

The idea of grass banking during drought conditions also is gaining some support from both ranchers and wildlife professionals. This involves removing grazing from unbroken native grasslands during drought and moving the livestock to CRP acres for that period to reduce the damage to native grasslands while improving the CRP grass stands in the long term. This way, ranchers keep their livestock and the wildlife community maintains a tool for management that is better for grassland birds than tillage and crop production.

Playa Lakes Joint Venture. (August 2008). PLJV Position on Grazing of Conservation Reserve Program Acres. *Playa Post*, Vol. 6 Issue 7, Retrieved October 29, 2008, from <http://www.pljv.org/cms/playa-post-archive#0808Story1>



CRP Release Rankles Hay Growers

Jun 2, 2008 1:09 PM, by Fae Holin, Managing Editor, Hay & Forage Grower

“Our livestock producers are happy but our hay growers are upset.” That sums up the general reaction of both groups to USDA’s decision to make 24 million acres of Conservation Reserve Program (CRP) land eligible for haying and grazing later this summer. Steve Hessman, hay market reporter for the Kansas ag department and USDA Market News, says that’s what he’s been hearing since last Tuesday’s announcement.

Some growers have already lost business, he adds. “One had some ground alfalfa hay verbally committed to a drought area where they were going to feed it to cows. But they cancelled the order because they’re going to fence (CRP land).” Another grower contract to provide alfalfa was cancelled by a cattleman who decided to swath and bale CRP grass to use with distillers grains, Hessman says.

“But it’s a lifesaver to the livestock guys out here in parts of western Kansas, eastern New Mexico and eastern Colorado where it’s really dry,” he says of the USDA decision. “We’re sympathetic to the livestock producer’s situation,” says Ron Tombaugh, National Hay Association (NHA) president. “We as much as anybody need to keep the livestock producer viable. But there are a couple of things we don’t like (about making CRP land available).”

“First of all, it’s competing directly with the hay producer. And if it were only limited to producers to use for their own livestock consumption, that’s fine. But if everybody can harvest it and sell it out of the cash market, then we take issue with that,” says Tombaugh, who is also a commercial hay grower from Streator, IL.

Producers not only will get free feed, Tombaugh adds, but also the CRP payment for not harvesting it. “They’re getting paid for the crop twice. The government hasn’t done that before.” In fact, this is the first time CRP acreage has been released for harvesting on a nationwide basis. USDA estimates that up to 18 million tons of forage worth \$1.2 billion could become available.

Hay producers have already paid for fertilizer, preservatives, twine and other inputs, says Tombaugh. “And now the bottom-end of the market is going to fall off. Granted it’s not going to be quality hay. But it’s going to make the poorer hay cheaper.” NHA is drafting a letter of complaint to USDA Ag Secretary Ed Schafer, he says.

In Schafer’s announcement, he stated that participants will be allowed to hay or graze CRP acres after the primary nesting season for nesting birds ends but before Nov. 11. Each participant must reserve at least one-fourth of his CRP acres for wildlife habitat, and must have an approved conservation plan in place. The most environmentally sensitive CRP land, such as wetlands and filter strips, aren’t eligible.

Signup began Monday at local Farm Service Agency offices. Participants will each be charged a \$75 administration fee for modifying existing CRP contracts, but their program rental payments won’t be reduced. The primary nesting season ends in late July or early August. A map showing

nesting season dates and durations by state, and additional details on CRP haying and grazing, are at www.fsa.usda.gov/conservation.

“Hay is not a program crop,” Tombaugh says, “and thus does not receive any farm payments or subsidies. We are the basis for most conservation programs and wildlife habitat, and have the most environmentally friendly crop that covers over 55% of the contiguous U.S. We are not happy about having an additional 24 million acres put back into the market to compete against us!”

USDA reporter Hessman adds that one commercial alfalfa grower whose fields are surrounded by CRP land isn’t going to fight the decision. He’s going to custom bale as many CRP acres as he can.

Statement to all NHA members from Executive Director, Don Kieffer:

When the USDA decided to open CRP acres for haying and grazing for drought relief of feed for the USA cattle industry, the National Hay Association acknowledged the USA cattle industry needed to help maintain animals in need. However, NHA objected to hay becoming available without the land owners repaying the season’s CRP payments. NHA didn’t want to be “the-dog-in-the-manger” but did want the playing field to be level.

Just when the NHA said you cannot fight the system, the National Wildlife Federation got a federal judge to order current CRP haying and grazing practices to cease pending a compromise.

That’s OK with us!!!

Personal Communication with Don Kieffer, 3 Nov 2008

“Just keep the playing field level; don’t pay them to put it in CRP, and then let them sell it. Make them give the money back”

Holin, Fae. (Jun 2, 2008) **CRP Release Rankles Hay Growers.** *Hay & Forage Grower*. Retrieved October 29, 2008 from <http://hayandforage.com/ehayarchive/0715-crp-restraining-order-frustrates-cattlemen/>



VICTORY! WELC Protects Wildlife, Birds and Habitat on Farms

In May 2008, the USDA abruptly announced plans to allow haying and grazing on 24 million acres of farmland enrolled in the successful Conservation Reserve Program (CRP). Under the CRP, farmers are paid to not farm their lands, and to instead establish and maintain perennial cover for wildlife. However, the USDA, without environmental analysis or seeking input from state wildlife agencies, decided to allow haying and grazing in this critical habitat, and still planned to pay farmers for habitat conservation!

Since the CRP was established in the 1985 Farm Bill, it has been very popular with farmers, state wildlife agencies and conservationists, and has provided enormous conservation benefits in the way of reducing soil erosion, improving water quality, and providing high quality habitat for many species of wildlife.

On behalf of the National Wildlife Federation, we (WELC) requested judicial review of the USDA's decision and Federal District Court Judge Coughenour granted us a 10-day temporary restraining order until a hearing on the merit of our claim.

Now, we are happy to report that at the hearing in Seattle, the judge agreed to permanently stop the destruction of important wildlife habitat on CRP lands, except for the lands for which farmers had requested to hay/graze prior to the temporary restraining order, equaling about 2.5 million acres. (The haying and grazing allowed pursuant to emergencies, such as those resulting from drought and flooding, are not implicated in this case or affected by this decision.)

The judge noted that the USDA's actions were "breathtaking," that the USDA could not draft regulations that allowed it to circumvent statutes enacted by Congress, and that its short checklist could "charitably be described as a joke" in terms of environmental analysis.

"Our problem was not with the individual farmers and ranchers by any means, but with the government's failure to analyze the environmental impacts of taking such a broad, sweeping action as opening 24 million acres to haying and grazing," said Sarah McMillan, the Western Environmental Law Center attorney who represented the National Wildlife Federation. "Some of those farmers and ranchers are in a crisis, and we did understand they had made investments."

More on the Conservation Reserve Program (CRP):

The CRP has had a profound and positive impact on many species of wildlife, including waterfowl, upland game birds, and migratory songbirds, which depend on extensive grassland to reproduce successfully. In just the three states of Montana, North Dakota, and South Dakota lands in the CRP have added at least 12.4 million ducks to the waterfowl population that migrates south in the Fall. It

has helped reverse the decline in some species of grassland song birds, and has helped increase populations of ring-neck pheasants, sharptail grouse, and other upland game birds. In 2000, the US Fish and Wildlife Service decided not to list the Columbian Sharp-tailed Grouse under the Endangered Species Act in substantial part due to the relative habitat security that CRP lands in Idaho, Washington, Colorado and Utah and other states provide for the species.

These wildlife benefits have earned support for the program from farmers, conservationists, conservation organizations, and the broad public. 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, 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.

Western Environmental Law Center. (2008). VICTORY! WELC Protects Wildlife, Birds and Habitat on Farms. Retrieved October, 29, 2008 from <http://www.westernlaw.org/victories-1/victory-welc-protects-wildlife-birds-and-habitat-on-farms>



Pheasant hunters worry CRP changes could harm habitats

By Amber Dulek | Winona Daily News

Scott Roemhildt isn't about to let his feathers get ruffled, nor the feathers of the pheasants for which he advocates.

The regional representative for 38 Pheasants Forever and Quails Forever chapters in southern Minnesota worries new rule changes that allow Conservation Reserve Program lands to be used for haying and grazing this summer and fall could infringe on major nesting habitat for pheasants and quails.

Lands enrolled in CRP a federal program begun in 1985 that pays farmers to idle their lands to conserve soil and protect wildlife are prime habitats for game birds. But those same lands are quickly becoming lucrative places to cash in on rising commodity prices.

"I've kind of got mixed reactions right now," said Roemhildt, who has CRP acres on his hobby horse and cattle farm in Mankato, Minn. "It's difficult when your barn's out of hay and you look out at that beautiful CRP land and wish you could harvest it."

The U.S. Department of Agriculture recently opened more than 24 million acres of CRP lands for hay harvesting and grazing between Aug. 2 and Nov. 10 to help ease the sting of record feed prices for livestock farmers.

The changes have the potential of turning a million acres of unused Minnesota prairies and almost 165,000 acres of Wisconsin grassland into production, depending on how many farmers enroll.

Roemhildt and other Pheasant Forever advocates know farmers need the help. And they applaud that the allowance starts after the bird-nesting season and the rules avoid erosion-sensitive and rare wildlife habitat lands.

Despite those positives, Pheasant Forever officials aren't warm on the Nov. 10 ending date. They think it's too late into frost season and won't provide enough time for growing cover for next year's nesting season.

"If there's strong implementation for these provisions, it is going to have an impact this fall for hunters finding places to hunt," said Dave Nomsen, Pheasants Forever's vice president of government affairs. "A lot of this forage has been available traditionally in the past, but it goes back to the question of how extensive utilization will be."

Meanwhile, Nomsen sees an underlying, bigger issue: the message the rule changes send about the value of CRP lands.

As 10- and 15-year CRP contracts are set to expire this fall and in coming years, many agriculture officials say and conservationists fear farmers will not re-up and instead begin growing crops to capitalize on recent high commodity prices. Some farmers may even pay a penalty to leave the program early to cash in on crops.

This year we had a handful (of early outs) between fall and winter and convert to cropping, so it happens and there are various reasons,” said Jim Hannula, Trempealeau County Farm Service Agency executive director. “I think crop prices are the main driving force.”

Marilla Daley, Winona County FSA program technician, said no landowners in Winona County have formally tried to get out of a CRP contract, but she estimated three didn’t renew contracts in 2007. The county currently has 11,000 CRP acres.

Buffalo County has had a nearly 800-acre reduction of land in CRP since 1998, according to Buffalo County FSA executive director Stephanie McCarthy-Wondercheck. Some reductions are related to early terminations for crop production, but most are due to contracts expiring.

Numbers like those no matter how small concern Pheasants Forever members.

“Sportsmen and sportswomen of all types whether you’re a fisher or a hunter you need to be concerned about CRP land,” said Bob St. Pierre, Pheasants Forever’s marketing and public relations director. “They’re cleaning our waters, they’re keeping our soils on the ground where they should be.”

St. Pierre said there has been a “tremendous” rise in CRP lands over the last 20 years, but it’s now on the decrease because of the foreign oil demand, feedstock prices and the push for ethanol.

It’s a “perfect storm” of factors, he said, and farmers can’t be blamed. Pheasants Forever advocates CRP rates need to be increased to be competitive.

Local FSA offices have taken many calls from landowners about the new CRP rules since enrollment started June 2, but no one has yet to fill out the paperwork and pay the \$75 administration fee.

“Because fuel prices and inputs are so high, I think everybody’s real nervous,” said Tom van der Linden, an Extension educator. “I don’t think they’re going to rush into any big changes right now until they see what happens with grain prices. A lot of farmers are planting the same.”

Dulek, Amber. (June 08, 2008). Pheasant hunters worry CRP changes could harm habitats. *Winona Daily News*. Retrieved from <http://www.winonadailynews.com/articles/2008/06/08/news/02pheasant08.txt>