

2012 Emergency Haying and Grazing of Wetlands Questions and Answers

1. What new practices are authorized for emergency haying and grazing?

CP8A, Grass Waterway-Noneasement

CP23, Wetland Restoration

CP27, Farmable Wetlands Pilot Wetland

CP37, Duck Nesting Habitat

CP23A, Wetland Restoration, Non-Floodplain

CP28, Farmable Wetlands Pilot Buffer

CP41, FWP Flooded Prairie Wetlands

2. Why are these practices being authorized for emergency haying and grazing?

In response to the expanding drought that is devastating crops used to feed livestock, livestock producers and other participants in the Conservation Reserve Program (CRP) will now be able to hay and graze acres that have been ineligible in the past. Many of these additional acres have wetland-related characteristics and are likely to contain better quality hay and forage than on other CRP acres.

3. Under what circumstances can producers conduct emergency haying or grazing on these practices?

To help minimize the impacts on these sensitive specialty practices, the following provisions must be met:

- The county must be designated as drought level D0- Abnormally Dry or greater according to the U.S. Drought Monitor as of July 19, 2012, or later, and have been approved by the FSA State Committee to conduct emergency haying and grazing of these practices.
- Haying or grazing may not begin until the Primary Nesting Season established for the State has ended.
- Producers must obtain a modified conservation plan from NRCS that allows for emergency haying and grazing, taking into consideration the existence of protected species.
- No more than 50 percent of a CRP field may be hayed, and haying must be completed by August 31, 2012.
- No more than 75 percent of a field may be grazed and the grazing must end by September 30, 2012.

4. What does the new conservation plan need to consist of?

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. 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 threatened and endangered 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.

5. What will the payment reduction be for this authority?

Earlier, the payment reduction for emergency haying and grazing was reduced from 25 percent to 10 percent. That reduction is also applicable to haying and grazing of these wetland practices for 2012 only.

6. Is there a restriction as to the amount a producer may sell hay that is harvested from these practices or charge for grazing rights?

No. CRP participants may sell, donate, barter, or otherwise exchange any hay or grazing rights within these rules. County offices should remove items 6 and 7 in the Emergency Haying and Grazing Terms and Conditions provided in Exhibit 52.

7. May the haying or grazing privilege be subleased?

No. The haying or grazing privilege may be leased but not subleased.

8. May STC's approve emergency haying of practice CP25, Rare and Declining Habitat after the end of the Primary Nesting Season, or do requests need to be sent to CEPD?

Requests do not have to be submitted to CEPD. However, documentation and justification must be submitted according to the DAFP memoranda of June 14, July 11, and August 1.

9. If a county has been approved for emergency grazing of practice CP25, does the county have to re-submit a request for haying?

No. A county will also be approved for emergency haying, but the producers must wait until after the PNS.

10. Why did FSA wait to allow haying and grazing of these practices?

Due to the sensitivity of haying and grazing these practices, FSA needed to conduct a Programmatic Environmental Assessment (PEA) that evaluated haying and grazing these previously ineligible CRP conservation practices as a means for USDA to help alleviate local impacts occurring to farmers and ranchers as a result of the extreme drought and high

11. Will these changes apply to future years or just this year?

Due to the widespread disaster many conservation groups asked FSA to open up these acres for grazing this year to help with the drought conditions. The PEA only examines the potential impacts of haying of these currently ineligible CRP conservation practices through August 31, 2012 and grazing through September 30, 2012.

August 1, 2012

