



Conservation Reserve Program Haying, Grazing Mismanagement Degrades Duck Nesting Habitat

National Wildlife Federation Sues Farm Services Agency to Uphold CRP's Wildlife Value

SEATTLE, WA – Citing the Conservation Reserve Program's enormous value to ducks, pheasants and many other species of ground-nesting birds, the National Wildlife Federation (NWF) and six state affiliates filed a federal lawsuit here today to stop the mismanaged haying and grazing of lands in the program.

The lawsuit holds that the Farm Service Agency (FSA), the Department of Agriculture Division that administers the Conservation Reserve Program (CRP), has violated the program's conservation mandate by allowing the haying and grazing of millions of enrolled acres in the Great Plains and Interior West at intervals too frequent to sustain healthy levels of the grassland cover required by nesting birds.

“When the Conservation Reserve Program is being managed in a way that works against conservation, something is fundamentally wrong,” said Tom France, NWF senior counsel.

The lawsuit also charges the FSA with compromising the program's conservation value by, in some states, allowing haying and grazing during primary nesting season – a time when birds are likely to still be on the nest or to be rearing their broods.

“Haying and grazing during primary nesting season damages the very wildlife and habitat the CRP seeks to protect,” said Mark Heckert, president of the Washington Wildlife Federation, an NWF affiliate that is a co-plaintiff in the lawsuit.

The nation’s largest private lands conservation program, the CRP pays farmers incentive fees to retire environmentally sensitive croplands for a period of 10 to 15 years. Much of the 34 million acres enrolled in the program consists of high-quality nesting cover, which, collectively, has become essential to sustaining America’s migratory bird population. Between 1992 and 1997, for example, CRP habitat was credited with adding more than 12 million ducks to the fall migration. Every year, substantial numbers of migratory birds that nest on CRP lands in Montana, the Dakotas and other northern states fly south along the Central Flyway to winter in southern states like Texas and Louisiana.

“Habitat quality in the Northern Plains has a big impact on game fowl populations in Arkansas,” said David Carruth, president of the Arkansas Wildlife Federation, a co-plaintiff in the lawsuit. “Arkansas has a direct stake in seeing sensible CRP haying and grazing policies in the Northern Plains and Interior West.”

From CRP’s inception in 1985 until 2002, haying and grazing on enrolled lands was only allowed during drought emergencies. In 2002, when reauthorizing the Farm Bill, Congress chose to allow managed haying and grazing, based on the rationale that light grazing or very occasional haying could actually make lands more productive for wildlife.

At the time, Congress explicitly mandated that any haying or grazing of CRP lands must be “consistent with the conservation of soil, water quality, and wildlife habitat (including habitat during the nesting season for birds in the area.)”

The FSA subsequently implemented a blanket policy of allowing enrolled croplands to be hayed or grazed every third year on all CRP lands nationwide, even though in the Great Plains and in the Interior West, where rainfall is limited, it can take five to 10 years to establish optimal grassland cover after haying has occurred. When haying or grazing outpaces recovery, according to the lawsuit, the result is degraded habitat.

The FSA's managed haying and grazing policy is also problematic, the lawsuit holds, because the agency implemented it without conducting environmental impact assessments or providing public notice and comment as required by federal law.

"Procedurally speaking, the Farm Services Agency's current haying and grazing regime sprang up out of nowhere," France said.

In seven states - New York, Wisconsin, Wyoming, Idaho, Montana, Utah and Washington - the FSA allows haying and grazing to occur during primary nesting season, while its policy of allowing haying and grazing every third year applies in most of the Central Plains and Interior West states.

Among the states with the most enrolled CRP acreage land are Montana (3.4 million acres generating \$115 million in annual rental payments), North Dakota (3.3 million acres, \$111 million), Kansas (2.9 million acres, \$111 million) and Colorado (2.3 million acres, \$71 million). (For enrollment and rental statistics about other states, [click here](#) – requires Adobe PDF.)

Nationally, the CRP makes \$1.7 billion in rental payments to farmers each year.

"We'd like to see the program continue to receive substantial federal support," France said. "That's more likely if the Farm Service Agency manages haying and grazing in a way that clearly delivers on conservation."

Joining NWF, the Washington Wildlife Federation and the Arkansas Wildlife Federation in the lawsuit as co-plaintiffs are the Indiana Wildlife Federation, the South Dakota Wildlife Federation, the Louisiana Wildlife Federation and the Kansas Wildlife Federation.

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