COMPATIBILITY DETERMINATION
for
Authorized Early Haying
of Grassland Easements
for
Management Purposes

Use: Authorized Early Haying of Grassland Easements and FmHA Conservation Easements.

Station Names:

South Dakota Wetland Management Districts:

Lake Andes WMD, SD
Madison WMD, SD
Huron WMD, SD
Waubay WMD, SD
Sand Lake WMD, SD
Lacreek NWR, SD

North Dakota Wetland Management Districts:

Tewaukon WMD, ND
Kulm WMD, ND
Arrowwood WMD, ND
Valley City WMD, ND
Chase Lake WMD, ND
Audubon WMD, ND
Long Lake WMD, ND
J Clark Salyer WMD, ND
Devils Lake WMD, ND
Lostwood WMD, ND
Crosby WMD, ND

Montana Wetland Management Districts:

Medicine Lake WMD, MT
Bowdoin WMD, MT
Benton Lake WMD, MT
Northwest Montana WMD, MT

Establishing and Acquisition Authorities:

Waterfowl Production Areas, Wetland Easements, Grassland Easements - The Migratory Bird Hunting and Conservation Stamp Act, March 16, 1934, (16 USC Sec. 718-718h, 48 Stat. 452) as amended August 1, 1958, (PL 85-585; 72 Stat. 486) for acquisition of "Waterfowl Production Areas"; the Wetlands Loan Act, October 4, 1961, as amended (16 USC 715k-3 - 715k-5, Stat. 813), funds appropriated under the Wetlands Loan Act are merged with duck stamp receipts in the fund and appropriated to the Secretary for the acquisition of migratory bird refuges under the provisions of the Migratory Bird Conservation Act, February 18, 1929, (16 USC Sec. 715, 715d - 715r, as amended.

FmHA deed restricted properties - Consolidated Farm and Rural Development Act - (7 USC Para. 2002).

Tall Grass Prairie Tracts - Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460*l*-4 through 460*l*-11)

Refuge Purpose(s):

"...as Waterfowl Production Areas" subject to "...all of the provisions of such Act [Migratory Bird Conservation Act] ...except the inviolate sanctuary provisions..." 16 USC 718(c) (Migratory Bird Hunting and Conservation Stamp)

"...for any other management purpose, for migratory birds." 16 USC 715d (Migratory Bird Conservation Act)

"...for conservation purposes..." 7 USC 2002 (Consolidated Farm and Rural Development Act)

National Wildlife Refuge System Mission:

"The Mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans" (National Wildlife Refuge System Administration Act of 1966, as amended) [16 USC 668(dd)-668(ee)].

Description of Use:

Haying is the cutting and removal, by baling or stacking, and transport to an off-site location, of grass and/or forb species. Haying of grassland easement-protected properties is not restricted after July 15 each year. Landowners may hay their lands every year after

this date without compromising the terms of the easement. However, the use described in this compatibility determination is to permit early haying (prior to July 15) of the uplands to accomplish some management purpose on the land. The control of noxious weeds is primarily the target of early haying agreements. Canada thistle, a perennial, primary noxious weed, is required by state law to be controlled by each landowner. Haying can be an effective tool in controlling the seed dispersal of Canada thistle, but it must be done before the thistle flowers mature and develop wind-dispersed seeds. In many years, the thistle plants have matured and dispersed their seeds prior to July 15, and haying after seed dispersal would not be effective as a management tool.

Periodic early haying may also be authorized to help improve the vigor and health of the grass stand. It is expected that the authorized use of early haying for this purpose will be used very infrequently.

Haying prior to July 15th to increase plant density is also a management tool occasionally used. This is primarily done the first few years after a new seeding to encourage tillering and to accelerate establishment. Haying, rather than just mowing, the plants helps to prevent shading caused by the mowed vegetation left in the field. Haying done just prior to seed head development will stimulate most grass plants to propagate vegetatively by rhizomes rather than by seed production. This generally encourages grass plants to fill in bare soil areas between plants, compete more favorably with invasive species, and shorten the overall establishment period on new grass seedings.

Availability of Resources:

Financial and staff resources are determined to be sufficient at each field station to administer these requests. Staff time will be needed to evaluate the proposed use, to prepare the site-specific permits, and to insure compliance with the permit authorization and stipulations necessary to insure compatibility.

Anticipated Impacts of the Use:

Authorized early haying of grassland easements may displace some wildlife species during the time period the haying operation is being performed. It is possible, also, that some nesting migratory birds may be disturbed, and abandon their nests as a result of the haying operation. The decision to authorize early haying must weigh the potential benefits of legally required weed control, plant density management, and other management gains, against these short-term losses associated with the early haying.

Cutting and removal of standing grasses prior to July 15 will also result in short-term loss of habitat for those species requiring tall grasses for feeding and perching.

The impacts associated with this authorized use will be minimal since the area will likely be hayed after July 15 anyway, which is not prohibited by the easement agreement. Therefore, the impacts of the use are only between the time of authorized early haying, and July 16 in any given year.

Public Review and Comment:

The period of public review and comment began April 10, 2005 and ended April 17, 2005.

Posted notices were made in public places for each of the field stations listed on this Compatibility Determination. This method was selected because the proposed activity is considered minor, incidental, infrequent, with only short-term disturbance, and/or displacement of wildlife. No comments were received as a result of the posted notices.

Determination:

Compatibility Threshold: As this activity is an economic use, it must meet the compatibility threshold of "contributing to the Mission and Purposes" of the Refuge System and the Refuge Area.

_____ Use is Not Compatible

__XXX____Use is Compatible with the Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. Issuance of a permit does not preclude the requirements for obtaining necessary permits and/or approvals from other County, State, or Federal Agencies and from local landowners.

2. The permit is issued subject to the revocation and appeals procedure contained in Title 50, Part 25 of the Code of Federal Regulations.

3. Permits for early haying will not be issued in consecutive years for the same land.

4. If a permit is issued for weed control on tame grassland, a condition of the permit must include a required fall herbicide treatment of the regrown noxious weeds at the permittee's expense.

5. Bales or stacks must be removed from the area within two weeks after baling.

6. Early haying to encourage tillering on new grass seedings should leave at least 5" of stubble to ensure sufficient leaf area needed for the responding growth.

Justification:

The control of noxious weeds is required of every landowner by state law, even on grassland easement-encumbered property. If infestations are severe, then a measure of weed control can be achieved by haying the lands with the infestation to limit the seed dispersal. Seed dispersal in Canada thistle often happens prior to July 15, so knocking the plants down prior to seed maturation and dispersal can help control the invading plants.

Additionally, more effective weed control can be achieved by removing the overstory of grass, allowing the tap-rooted noxious weeds to regrow, then applying a herbicide treatment. The grass will not regrow as quickly as the forb (weed) species, and the spraying application will be more effective, especially going into the fall season when the thistle plants are storing their root reserves for the winter dormant period.

Early haying to encourage tillering can shorten the establishment period of new grass seedings. Obtaining the best stand of grass in the shortest time period possible will increase wildlife use and minimize the need for weed control in subsequent years.

As such, it is concluded that the accrued benefits of more effective weed control and shorter establishment periods more than compensate for the potential short-term loss associated with authorized weed control and plant density management accomplished by haying the grassland area prior to July 15.

Mandatory 10-Year Reevaluation Date:

10 years from the date of APPROVAL signature Enter date: _____

Note: See page 164 of this document for the approval signatures for this approved programmatic compatibility determination.

Signatures:

Submitted:

Michael Bryant, Project Leader
Lake Andes WMD
Date: 3/10/2005

Tom Tornow, Project Leader
Madison WMD
Date: 3-10-05

Harris Holstad, Project Leader
Huron WMD
Date: 3-10-05

Larry Martin, Project Leader
Waubay WMD
Date: 3-10-05

Gene Williams, Project Leader
Sand Lake WMD
Date: 3-10-05

Tom Koerner, Project Leader
Lacreek NWR
Date: 3-10-05

Jack Lalor, Acting Project Leader
Tewaukon WMD
Date: 4/26/05

Dave Azure, Acting Project Leader
Kulm WMD
Date: 3-10-05

Kim D. Hanson, Project Leader
Arrowwood WMD
Chase Lake WMD
Valley City WMD
Date: 3/10/05

Gary Williams, Acting Project Leader
Audubon WMD
Date: 3/10/05

Paul Van Ningen, Project Leader — 3/10/2005 Date
Long Lake WMD

Tedd Gutzke, Project Leader — 3/10/2005 Date
J Clark Salyer WMD

Roger Hollevoet, Project Leader — 3/10/05 Date
Devils Lake WMD

Fred G. Giese, Project Leader — 04/26/05 Date
Lostwood WMD
Crosby WMD

Michael Rabenberg, Acting Project Leader — 04/26/05 Date
Medicine Lake WMD

Carmen Luna, Project Leader — 4/26/05 Date
Bowdoin WMD

David Gilland, Project Leader — 4/26/05 Date
Benton Lake WMD

Steve Kallan, Project Leader — 4/26/05 Date
NW Montana WMD

Review:

Lloyd Jones — 4.27.05 Date
Regional Compatibility Coordinator

Rodney Krey / Ref. Sup — 4/28/05

Approval:

Ronald D. Shupe, Region 6 — May 05, 2005 Date
Acting Chief of Refuges