

Appendix 0

Compatibility Determination for Prescribed Grazing

**COMPATIBILITY DETERMINATION
for
Prescribed Grazing on
National Wildlife Refuges and Waterfowl Production Areas
for Management Purposes**

Use: Prescribed grazing on National Wildlife Refuges and Waterfowl Production Areas in North and South Dakota.

Station Names:

South Dakota Refuges and Wetland Management Districts:

Lake Andes NWR and WMD, SD
Madison WMD, SD
Huron WMD, SD
Waubay NWR and WMD, SD
Sand Lake NWR and WMD, SD
LaCreek NWR and WMD, SD

North Dakota Refuges and Wetland Management Districts:

Tewaukon NWR and WMD, ND
Kulm WMD, ND
Arrowwood NWR and WMD, ND
Valley City WMD, ND
Chase Lake NWR and WMD, ND
Audubon NWR and WMD, ND
Long Lake NWR and WMD, ND
J Clark Salyer NWR and WMD, ND
Devils Lake WMD, ND
Lostwood NWR and WMD, ND
Crosby WMD, ND
Des Lacs NWR, ND
Upper Souris NWR, ND

Establishing and Acquisition Authorities:

Arrowwood NWR; Executive Order (E.O.) 7168, Sept. 4, 1935
Audubon NWR; 16 USC §664 (Fish and Wildlife Coord. Act)
Chase Lake NWR; E.O. 932, Aug. 28, 1908
Des Lacs NWR; E.O. 7154-A, Aug. 22, 1935
Florence Lake NWR; E.O. 8119, May 10, 1939

Kellys Slough NWR; E.O. 7320, Mar. 19, 1936
 Lake Alice NWR; 16 USC § 715d (Mig. Bird Cons. Act)
 Lake Ilo NWR; E.O. 8154, June 12, 1939
 Lake Nettie NWR; E. O. 8155, June 12, 1939
 Lake Zahl NWR; E. O. 8158, June 12, 1939
 Long Lake NWR; E.O. 5808, Feb. 25, 1932
 Lostwood NWR; E.O. 7171, Sept. 4, 1935
 McLean NWR; 16 USC § 715d (Mig. Bird Cons. Act)
 Slade NWR; 16 USC 715d (Mig. Bird Cons. Act)
 Sullys Hill NGP; E. O. 3596, Dec. 22, 1921
 Tewaukon NWR; Public Land Order (PLO) 286, June 26, 1945
 Upper Souris NWR; E.O. 7161, Aug. 27, 1935

LaCreek NWR; E.O. 7160, Aug. 26, 1935
 Lake Andes NWR; E. O. 7292, Feb. 14, 1936
 Sand Lake NWR; E. O. 7169, Sept. 4, 1935
 Waubay NWR; E. O. 7245, Dec. 10, 1935

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).

Refuge Purpose(s):

The Executive Orders for most of the refuges state the purpose "as a refuge and breeding ground for migratory birds and other wildlife."

"...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)

National Wildlife Refuge System Mission:

"The Mission of the National Wildlife Refuge System is to administer a national network

“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:

Prescribed grazing is the use of livestock, usually cattle, to remove standing vegetation, reduce vegetative litter, suppress woody vegetation or noxious weeds, open up vegetation-choked wetlands, or open up areas to sunlight and encourage native grass seedlings and growth. Prescribed grazing is carefully timed, and usually of short duration (usually 2-4 weeks), to target certain species for grazing impacts in order to benefit other species for growth after the competing vegetation has been removed.

The prescribed grazing period generally will take place between April and September. Early spring grazing (mid-April through late May) is targeted at cool season exotic species and encourages warm season native grasses and forbs. Mid-season grazing (June and July), especially on non-native grasslands, stimulates fall regrowth. Late-season grazing (August and September) removes litter and encourages spring growth of cool season natives or other cool season species.

Fence construction and maintenance, often temporary electric fence, and control and rotation of the livestock, are the responsibility of cooperating private party. Market rate grazing fees are determined by the Regional Office, but may include standard deductions for fence construction and maintenance, frequent livestock rotations, construction of water gaps, or hauling/providing additional water in dry pastures.

The frequency and duration of prescribed grazing on any Refuge or WPA will be based on site-specific evaluations of the grassland being managed.

Availability of Resources:

Developing grazing plans and Special Use Permits (SUPs) and monitoring compliance and biological effects requires some Service resources. Most grazing management costs; fencing labor, monitoring and moving the livestock, hauling water; are provided by the cooperator or permittee. Evaluating the grasslands for grazing prescriptions and grassland response is already a part of the stations grassland management responsibilities. Some alternative form of grassland management, prescribed burning or haying, may be used if the areas are not treated with prescribed grazing. Managing grasslands through permitted haying has comparable costs to managing a prescribed grazing program. Managed mowing is more expensive since all the labor costs are assumed by the Service. Prescribed burning can be an effective grassland management tool, but there are personnel and weather

limitations on a burning program, as well the fact the some tracts are just not suited to burning management. In addition, there is an ecological benefit to rotating grassland management techniques, such as grazing, burning, and haying, at different seasons, rather than just relying on one technique.

Anticipated Impacts of the Use:

Grazing by domestic livestock has the short-term effect of removing some or much of the standing vegetation from a tract of grassland. Properly prescribed, the effect of this removal of vegetation increases the vigor of the grassland, stimulates the growth of desired species of grass and forbs, and reduces the abundance of targeted species such as cool season exotics, woody species, noxious weeds or invasive species, or cattails. Grazing in the spring may cause the loss of some bird nests due to trampling, and may cause some birds not to nest in areas being grazed. Grazing on public wildlife lands can create an aesthetic issue of concern for some people or visitors who do not understand grassland management. Prescribed grazing is usually of short duration and enhanced, most diverse and vigorous grassland habitats are the end result. Grazing livestock may create a minor and temporary disturbance to wildlife but generally do no harm. There is a slight potential for conflict between the visiting public and the livestock or the permittee, particularly during fall hunting seasons. These situations can be limited by having the livestock removed by the anticipated beginning of fall hunting seasons.

In 2004, prescribed grazing occurred on approximately 17,500 acres of Refuges and WPAs in South Dakota (202,000 fee acres). During the 1996-2000 period, approximately 39,700 acres of grasslands on North Dakota Refuges and WPAs (470,000 fee acres) were treated annually by prescribed grazing treatments.

To eliminate any appearance of favoritism or impropriety, managers should follow Refuge Manual procedures for cooperator or permittee selection.

Public Review and Comment:

The period of public review and comment began May 1, 2005 and ended on May 14, 2005.

Notices were posted in public places at 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.

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. Prescribed grazing is used to improve and manage grassland habitats

on Refuges and Waterfowl Production Areas and the migratory birds and other wildlife that use these habitats.

_____ Use is Not Compatible

XXX Use is Compatible with the Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. SUPs will specify the stocking rate, dates of use, and timing for each unit or grazing cell on the Refuge or WPA.
2. The standard grazing fee, as determined for each state by the Regional Office, and any standard deductions for any labor or work done on the Service lands will be included on the SUP.
3. Grazing permittees must comply with all applicable State Livestock Health laws.
4. No supplemental feeding will be allowed without authorization from the Project Leader/Manager.
5. Control and confinement of livestock will be the responsibility of the permittee.
6. The permit is issued subject to the revocation and appeals procedure contained in Title 50, Part 25 of the Code of Federal Regulations.

Justification:

Controlled grazing by domestic livestock will not materially interfere or detract from the purposes for which these NWRS lands were acquired or established. Prescribed livestock grazing creates temporary disturbances to vegetation. Many of these disturbances are desirable for grassland management. Grazing produces an undesirable but short-term impact to grassland nesting birds and site aesthetics. In the long-term, prescribed grazing increases grassland vigor, species diversity, and habitat quality. Prescribed grazing is an alternative management tool that can be used to replace or complement prescribed burning, mowing, or haying of Service grasslands. Without periodic disturbance caused by haying, burning, or grazing, the health of the grassland community would decline, as would an areas potential for waterfowl and other migratory bird nesting.

Mandatory 10-Year Reevaluation Date: 10 years from the date of APPROVAL signature

Signatures:

Submitted:

Michael Bryant
 Michael Bryant, Project Leader
 Lake Andes Complex

4/26/05
 Date

Thomas R. Tornow
 Tom Tornow, Project Leader
 Madison WMD

4-26-05
 Date

Harris Hoistad
 Harris Hoistad, Project Leader
 Huron WMD

4-26-05
 Date

Larry D. Martin
 Larry Martin, Project Leader
 Waubay Complex

26 April 2005
 Date

Gene Williams
 Gene Williams, Project Leader
 Sand Lake Complex

4-26-05
 Date

Tom Koerner
 Tom Koerner, Project Leader
 LaCreek Complex

4-26-05
 Date

Jack Lalor
 Jack Lalor, Acting Project Leader
 Tewaukon Complex

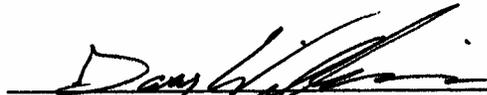
4/26/05
 Date

Dave Azure
 Dave Azure, Acting Project Leader
 Kulm WMD

4/26/05
 Date

Kim D. Hanson
 Kim D. Hanson, Project Leader
 Arrowwood NWR
 Chase Lake WMD
 Valley City WMD

4/26/05
 Date


 Gary Williams, Acting Project Leader
 Audubon Complex

Date

4/26/05


 Paul Van Ningen, Project Leader
 Long Lake Complex

Date

4/26/05


 Tedd Gutzke, Project Leader
 J Clark Salyer Complex

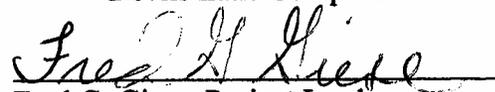
Date

April 26, 2005


 Roger Hollevoet, Project Leader
 Devils Lake Complex

Date

4/26/05


 Fred G. Giese, Project Leader
 Des Lacs NWR
 Lostwood WMD
 Crosby WMD

Date

04/26/05


 Dean Knauer, Project Leader
 Upper Souris NWR

Date

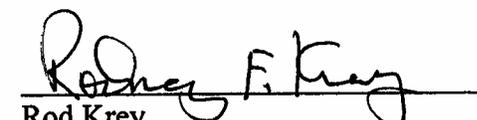
4-27-05

Review:


 Lloyd Jones
 Regional Compatibility Coordinator

Date

4.27.05


 Rod Krey
 Refuge Supervisor, ND-SD

Date

4/28/05

Approval:



Ronald D. Shupe, Region 8
Acting Chief of Refuges

Date May 15, 2015

Appendix P

Compatibility Determination for Prescribed Haying

COMPATIBILITY DETERMINATION
for
Prescribed Haying of Grasslands
on National Wildlife Refuges and Waterfowl Production Areas
for Management Purposes

Use: Prescribed Haying of Grasslands on National Wildlife Refuges and Waterfowl Production Areas in North and South Dakota.

Station Names:

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Crosby WMD, ND
Des Lacs NWR, ND
Upper Souris NWR, ND

Establishing and Acquisition Authorities:

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Des Lacs NWR; E.O. 7154-A, Aug. 22, 1935
Florence Lake NWR; E.O. 8119, May 10, 1939

J. Clark Salyer NWR; E.O. 7170, Sept. 4, 1935
 Kellys Slough NWR; E.O. 7320, Mar. 19, 1936
 Lake Alice NWR; 16 USC § 715d (Mig. Bird Cons. Act)
 Lake Ilo NWR; E.O. 8154, June 12, 1939
 Lake Nettie NWR; E. O. 8155, June 12, 1939
 Lake Zahl NWR; E. O. 8158, June 12, 1939
 Long Lake NWR; E.O. 5808, Feb. 25, 1932
 Lostwood NWR; E.O. 7171, Sept. 4, 1935
 McLean NWR; 16 USC § 715d (Mig. Bird Cons. Act)
 Slade NWR; 16 USC 715d (Mig. Bird Cons. Act)
 Sullys Hill NGP; E. O. 3596, Dec. 22, 1921
 Tewaukon NWR; Public Land Order (PLO) 286, June 26, 1945
 Upper Souris NWR; E.O. 7161, Aug. 27, 1935

LaCreek NWR; E.O. 7160, Aug. 26, 1935
 Lake Andes NWR; E. O. 7292, Feb. 14, 1936
 Sand Lake NWR; E. O. 7169, Sept. 4, 1935
 Waubay NWR; E. O. 7245, Dec. 10, 1935

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.

Refuge Purpose(s):

The Executive Orders for most of the refuges state the purpose "as a refuge and breeding ground for migratory birds and other wildlife."

"...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)

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 and transport to an off-site location, of grass or other upland vegetation for the production of livestock forage. Haying for this purpose is typically done by a cooperating farmer acting under authority of a Cooperative Farming Agreement or Special Use Permit (SUP) issued by the Project Leader, Refuge Manager or Wetland District Manager.

Haying is an effective management tool as part of an overall grassland management plan to improve and maintain Fish and Wildlife Service (Service)-managed grasslands for the benefit of migratory birds and other wildlife. Grasslands require periodic renovation to maintain vigor, diversity, and the structure necessary for migratory bird nesting. Haying can be an alternative to prescribed burning or grazing, which are the two other methods used to manage grassland habitats. If local conditions preclude the use of prescribed fire, or livestock numbers are not available, removal of biomass through haying serves to reduce unwanted overstory, reduce woody plant invasion, and open the soil surface up to sunlight. Such removal of vegetation allows for more vigorous regrowth of desirable species following the haying although results are neither as dramatic nor positive as with fire or grazing.

Haying may also be used as part of a native grass seeding strategy on newly acquired lands or on tame grass stands on older lands needing renovation. To reduce weed or undesirable species competition and minimize herbicide applications, a cooperating farmer may be used to seed the native grass seed mix and interseed with a cover crop. As a requirement of the SUP, the cooperator would be required to cut, bale, and remove the cover crop before it matures and goes to seed. The resultant hay can be used for livestock feed and haying serves the biological purpose of releasing young native grass and forb seedlings for growth with minimal competition.

A third possible use of haying on FWS-managed grasslands involves the initial steps of removing unwanted vegetation prior to seeding the tract to native grasses. Haying of a nonnative cool season stand of grass is an effective step in advance of spraying the field with herbicide to kill all existing vegetation. Removal of the heavy grass overstory by haying allows the herbicide to more effectively reach and treat the remaining target plants. Better removal of the unwanted grasses will in turn ensure better success of the planted grasses and forbs whether they are interseeded into the sod or into the soil turned over and leveled prior to seeding.

Haying is sometimes used prior to a noxious weed treatment; the tract is hayed and after a period of time, the “flush” of noxious weeds is treated with a herbicide application. Removing the vegetation through haying allows the herbicide to more effectively reach and treat the target weeds.

A more limited application of haying on FWS-managed lands involves its use for establishing fire breaks for prescribed burning. A cooperative farmer would be permitted to hay the firebreak strips in the fall. That area would then have little standing dead vegetation in the early spring, or would green up earlier in the spring and allow use as a fire break.

Prescribed haying in North Dakota averaged about 13,500 acres per year (1996-2000). In South Dakota, FWS managers use prescribed haying on about 2450 acres annually (2004 estimates).

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 SUPs, and to insure compliance with the permit authorization and stipulations necessary to insure compatibility.

To lessen any appearance of favoritism or impropriety, managers should follow Refuge Manual procedures for establishing rental rates and cooperator selection.

Anticipated Impacts of the Use:

Haying will result in short-term disturbances to wildlife and long-term benefits to grasslands and the wildlife species that use these grasslands. Short-term impacts will include disturbance and displacement of wildlife typical of any noisy heavy equipment operation. Cutting and removal of standing grass will result in the short-term loss (late-summer to mid-summer the following year of habitat for those species requiring taller grass for feeding and perching. Prescribed haying will typically be scheduled after July 31 to avoid impacts to most nesting birds. Long-term benefits will accrue due to the increased vigor of the regrown grasses or the establishment of highly desirable native grass and forb species, which will improve habitat conditions for the same species affected by the short-term removal of the cover. Longer-term negative impacts may occur to some resident wildlife species such as pheasant that may lose overwinter habitat in hayed areas. Strict time constraints, and limiting grass stands to no more than 50 percent being hayed at any one time will limit the anticipated impacts to these areas.

Public Review and Comment:

The period of public review and comment began May 1, 2005 and ended on May 14, 2005.

Notices were posted in public places at 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.

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. Prescribed haying is used to benefit Refuge and Waterfowl Production Area grasslands and the migratory birds and other wildlife that use these grasslands.

_____ Use is Not Compatible

XXX Use is Compatible with the Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. Prescribed haying will generally not take place before August 1 in any given year, unless there are documented management reasons for prescribing an earlier hay date.
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. Generally, not more than 50 percent of a tract may be hayed in any one year, unless size restrictions or habitat conditions warrant haying of more than half of the area.
4. Prescribed haying can be coupled with a light discing or dragging operation, or an interseeding of desirable species of grass or legumes to further increase the vigor of the grass stand.
5. Bales or stacks must be removed from the area by September 10.

Justification:

Haying will not materially interfere with or detract from the purposes for which these NWRS lands were acquired or established. Haying creates temporary disturbance to vegetation. This disturbance is desirable for grassland management. Haying produces an undesirable but short-term impact to grassland nesting birds and site aesthetics. In the long-term, haying increases grassland vigor, species diversity, and habitat quality. Haying is an alternative management tool that can be used to replace or compliment prescribed burning, mowing, or grazing of Service grasslands. Without periodic disturbance caused by haying, burning, or grazing, the health of the grassland community would decline, as would an areas potential for waterfowl and other migratory bird nesting.

Mandatory 10-Year Reevaluation Date: 10 years from the date of APPROVAL signature

Signatures:

Submitted:

Michael Bryant 4/26/05
 Michael Bryant, Project Leader
 Lake Andes Complex
 Date

Thomas R. Tornow 4-26-05
 Tom Tornow, Project Leader
 Madison WMD
 Date

Harris Hoistad 4-26-05
 Harris Hoistad, Project Leader
 Huron WMD
 Date

Larry J. Martin 26 April 2005
 Larry Martin, Project Leader
 Waubay Complex
 Date

Gene Williams 4-26-05
 Gene Williams, Project Leader
 Sand Lake Complex
 Date

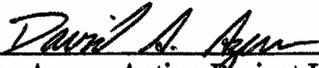
Tom Koerner 4-26-05
 Tom Koerner, Project Leader
 LaCreek Complex
 Date



Jack Lalor, Acting Project Leader
Tewaukon Complex

4/26/05

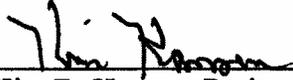
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Dave Azure, Acting Project Leader
Kulm WMD

4/26/05

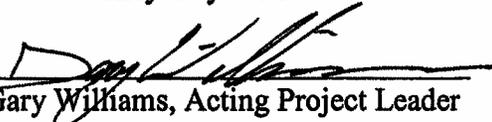
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Kim D. Hanson, Project Leader
Arrowwood Complex
Chase Lake WMD
Valley City WMD

4/26/05

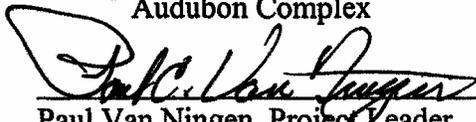
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Gary Williams, Acting Project Leader
Audubon Complex

4/26/05

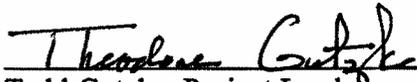
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Paul Van Ningen, Project Leader
Long Lake Complex

4/26/05

Date



Tedd Gutzke, Project Leader
J Clark Salyer Complex

April 26, 2005

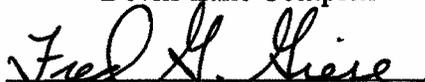
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Roger Hollevoet, Project Leader
Devils Lake Complex

4/26/05

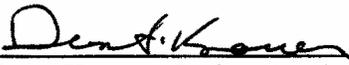
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Fred G. Giese, Project Leader
Des Lacs NWR
Lostwood WMD
Crosby WMD

04/26/05

Date

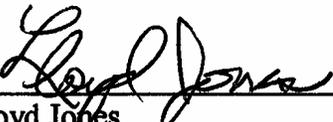


Dean Knauer, Project Leader
Upper Souris NWR

04-27-05

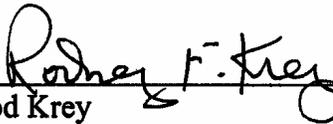
Date

Review:



Lloyd Jones
Regional Compatibility Coordinator

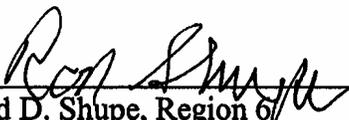
4-27-05
Date



Rod Krey
Refuge Supervisor, ND-SD

4/28/05
Date

Approval:



Ronald D. Shupe, Region 6
Acting Chief of Refuges

May 15, 2005
Date

Appendix Q

Compatibility Determination for the Cooperative Farming Program

**COMPATIBILITY DETERMINATION
for
the Cooperative Farming Program on
National Wildlife Refuges and Waterfowl Production Areas
for Management Purposes**

Use: Cooperative farming on National Wildlife Refuges and Waterfowl Production Areas in North and South Dakota.

Station Names:

South Dakota Wetland Management Districts:

Lake Andes NWR and WMD, SD
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Huron WMD, SD
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Sand Lake NWR and WMD, SD
LaCreek NWR and WMD, SD

North Dakota Wetland Management Districts:

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Kulm WMD, ND
Arrowwood NWR and WMD, ND
Valley City WMD, ND
Chase Lake NWR and WMD, ND
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LaCreek NWR; E.O. 7160, Aug. 26, 1935
 Lake Andes NWR; E. O. 7292, Feb. 14, 1936
 Sand Lake NWR; E. O. 7169, Sept. 4, 1935
 Waubay NWR; E. O. 7245, Dec. 10, 1935

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.

Refuge Purpose(s):

The Executive Orders for most of the refuges state the purpose "as a refuge and breeding ground for migratory birds and other wildlife."

"...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)

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:

Cooperative farming is the term used for cropping activities done by a third party on lands that are owned in fee-title by the U. S. Fish and Wildlife Service (Service) or controlled by the Service through a conservation easement (wetland, grassland, or FmHA). This activity is usually done on a short-term basis (3-4 years or less) to provide an optimum seed bed for the establishment of native grasses and forbs or other more desirable planted cover for wildlife. Cooperative farming may also be used on certain tracts to provide a fall food source for migratory waterfowl or a winter food source for resident wildlife.

The farming is done under the terms and conditions of a Cooperative Farming Agreement or Special Use Permit (SUP) issued by the Project Leader, Refuge Manager, or Wetland District Manager. Terms of the agreement insure that all current Service and District restrictions are followed.

Cooperative farming activities are generally limited to areas of former cropland or poor quality stands of tame or cool season exotic grasses. Service policies do not allow highly erodible soils to be tilled or cropped without an approved NRCS Conservation Plan. Waterfowl Production Areas (WPAs) in the Dakotas average about 200 acres in size. Generally, areas to be cooperatively farmed at one time prior to reseeding to more desirable plant species will not be more than 50 percent of the tract. Areas on WPAs and Refuges planted for food plots will be limited to the size needed to provide sufficient food for the targeted wildlife species.

Availability of Resources:

Staff time for development and administration of Cooperative Farming Agreements is already available. Most of the needed field work to prepare and plan for this use would be done as part of routine grassland management duties. The decision to use a cooperating farmer would occur as part of the overall strategy for managing lands on the Refuge or within the WMD. The additional time needed to coordinate issuance of the SUP or Cooperative Farming Agreement and oversight of the permit is relatively minor and within Refuge or WMD resources. In addition, the use of a cooperating farmer frees up other staff time from conducting the farming operation through force account.

Cooperative farming of Service lands in most cases is done on a share basis rather than for a fee. The Service typically receives its share as harvested grain used for other management purposes, as standing grain left for wildlife food, or as additional work such as

weed control, cultivation, or additional seed bed preparation, or for supplies such as herbicide or grass seed to be used on the same tract of land. Any fees or cash income received by the Service would be deposited in the Refuge Revenue Sharing Account. The Service will receive fair market value consideration from cooperating farmers, but the generation of income is a secondary consideration when developing the terms and conditions of a cooperative farming agreement or SUP.

To lessen any appearance of favoritism or impropriety, managers should follow Refuge Manual procedures for establishing rental rates and cooperator selection.

Anticipated Impacts of the Use:

Cooperative farming to prepare suitable seed beds for planting better cover and habitat will result in short-term disturbances and long-term benefits to both resident and migratory wildlife using the Refuges, WPAs, and easements. Short-term impacts include disturbance and displacement of wildlife typical of any noisy heavy equipment operation, and the loss of poor quality cover while the tract is farmed. Wildlife may also use the farmed area as an additional food source for the period which it is farmed. Long-term benefits are extremely positive due to the establishment of diverse or more desirable habitat for nesting, escape cover, perching, or non-crop feeding activities. The resulting habitat will generally improve conditions for most of the species negatively affected by the short period of farming activity.

In 2004, approximately 2900 acres of Service lands were farmed under SUPs in South Dakota. North Dakota refuges and WPAs permitted an average of 6,400 acres of cooperative farming during the 1996-2000 period.

Public Review and Comment:

The period of public review and comment began May 1, 2005 and ended on May 14, 2005.

Notices were posted in public places at 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.

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. Cooperative farming is used to benefit Refuge and Waterfowl Production Area uplands and the migratory birds and other wildlife that use these lands.

_____ Use is Not Compatible

XXX Use is Compatible with the Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. SUPs or Cooperative Farming Agreements will specify the type of crop to be planted and describe the refuges' share.
2. The SUP may specify any herbicide or agricultural restrictions of the tract.
3. The SUP may specify timing constraints to insure that the proper field work is completed at the appropriate time.
4. The permit is issued subject to the revocation and appeals procedure contained in Title 50, Part 25 of the Code of Federal Regulations.

Justification:

The cooperative farming of Service lands or easements is done to develop or reseed better wildlife cover and habitat than was previously on the area. Only areas that have been previously cropped, or are seeded to decadent stands of cool season grasses (brome or crested wheatgrass), or decadent tame grass-legume mixes will be included in a cooperative farming plan. Cooperative farming in most cases provides the fastest, most cost effective means to establish native grasses or re-seeded cover on the Service property. In many cases, tracts are located many miles away from the Refuge or WMD headquarters, making force account labor a very time-consuming effort. The long-term benefits of managed, quality cover offset the short-term impacts and disturbance while the tract is farmed prior to seeding or re-seeding.

Mandatory 10-Year Reevaluation Date: 10 years from the date of APPROVAL signature

Signatures:

Submitted:


Michael Bryant, Project Leader
Lake Andes Complex

4/26/05
Date

Thomas R. Tornow
Tom Tornow, Project Leader
Madison WMD

4-26-05
Date

Harris Hoistad
Harris Hoistad, Project Leader
Huron WMD

4-26-05
Date

Larry O. Martin
Larry Martin, Project Leader
Waubay Complex

26 April 2005
Date

Gene Williams
Gene Williams, Project Leader
Sand Lake Complex

4-26-05
Date

Tom Koerner
Tom Koerner, Project Leader
LaCreek Complex

4-26-05
Date

Jack Lalor
Jack Lalor, Acting Project Leader
Tewaukon Complex

4/26/05
Date

Dave Azure
Dave Azure, Acting Project Leader
Kulm WMD

4/26/05
Date

Kim D. Hanson
Kim D. Hanson, Project Leader
Arrowwood Complex
Chase Lake WMD
Valley City WMD

4/26/05
Date

Gary Williams
Gary Williams, Acting Project Leader
Audubon Complex

4/26/05
Date

Paul Van Ningen
Paul Van Ningen, Project Leader
Long Lake Complex

4/26/05
Date

Theodore Gutzke
 Tedd Gutzke, Project Leader
 J Clark Salyer Complex

April 26, 2005
 Date

R. Holvoet
 Roger Holvoet, Project Leader
 Devils Lake Complex

4/26/05
 Date

Fred G. Giese
 Fred G. Giese, Project Leader
 Des Lacs Complex

04/26/05
 Date

Dean Knauer
 Dean Knauer, Project Leader
 Upper Souris NWR

4-27-05
 Date

Review:

Lloyd Jones
 Lloyd Jones
 Regional Compatibility Coordinator

4.27.05
 Date

Rodney F. Krey
 Rod Krey
 Refuge Supervisor, ND-SD

4/28/05
 Date

Approval:

Ronald D. Shupe
 Ronald D. Shupe, Region 6
 Acting Chief of Refuges

May 15, 2005
 Date

