

REGION 6 COOPERATIVE AGRICULTURAL PROGRAM GUIDANCE

Cooperative agricultural practices for wildlife and restoration of habitat on refuge lands in Region 6 include grazing, haying, and farming. When prescribed in a plan, these resource management activities are used to meet refuge goals and objectives; typically benefiting grassland health and the restoration of high quality habitat for migratory birds, pollinators, and other wildlife. Cooperative agriculture is an indispensable management tool utilized to restore the ecological diversity and habitat quality of refuge lands.

These practices are only permissible when prescribed in plans developed to achieve habitat management objectives or refuge purposes. Where feasible and consistent with refuge purpose(s), these practices can be used to restore degraded or modified habitats in pursuit of biological integrity, diversity, and environmental health ([601 FW 3 Biological Integrity, Diversity, and Environmental Health](#)), including the use of native seed sources for ecological restoration.

A Cooperative Agricultural Agreement (CAA) permits a person or entity to use agricultural practices on National Wildlife Refuge System (NWRS) lands in support of refuge management objectives. A CAA typically involves agricultural operations that are long-term (up to 5 years). Agricultural practices on NWRS lands that do not require substantial involvement by the U.S. Fish and Wildlife Service (Service) or are emergencies or temporary or opportunistic are not considered cooperative agriculture; therefore, no CAA is required.

A CAA will include a [Commercial Special Use Permit](#) and a Plan of Operations (see examples at the [Cooperative Agriculture](#) site) that details operation requirements. When substantial involvement between the Service and the agricultural cooperator is anticipated, a CAA should include substantial collaboration with communication on a regular basis, including daily communications, monthly status updates, and annual reviews.

COOPERATIVE AGRICULTURAL AGREEMENT PROCESS

Public Notification

- 1) Washington Office will post the Notice of Funding Opportunity on Grants.gov each year listing the refuges that have agricultural opportunities. Field stations will not have to submit anything for Grants.gov and your cooperators will not have to use Grants.gov.
- 2) CAA opportunities must be posted on the Headquarters website (<https://www.fws.gov/refuges/whm/cooperativeAgriculture.html>). In order to post on the website send an email to ella_wagener@fws.gov and cc your refuge supervisor. The email should state the following:
 - a. NAME National Wildlife Refuge or Wetland Management District (hyperlink: [refuge/district website where CAA opportunities will be posted])

- b. City and state
 - c. One or two sentence description of the opportunity
 - d. Applications must be received by month, day, and year.
- 3) CAA opportunities must be posted on your refuge or district website. At a minimum, include the following:
- a. refuge manager's name
 - b. direct phone number
 - c. direct email link to receive more information on refuge agricultural opportunities.
- 4) Application Form – Commercial Activities, Special Use Permit Application FWS form 3-1383-C (this is the legal requirement for applying for an agricultural permit)
- 5) Additional information may include:
- a. supplemental Instructions – you can use and follow the guidance in the standard supplemental instructions for use of form found in 3-1383-C
 - b. commercial Activities Special Use Permit Application or
 - c. develop your own by filling out page 1 of the Form 3-1383-C and including the following information for the bid process
 - i. bid per acre or bid per AUM
 - ii. ranking criteria questionnaire (this could be a refuge specific document that outlines the opportunity and any requirements)
 - iii. map(s) of the units or other information to describe the unit
 - iv. fees – Description of billing/payment process and timelines
- 6) Utilize local notifications such as refuge mailing lists, newspapers, or posters in locations of potential agricultural cooperators.
- a. Document all public notification of CAA opportunities in refuge files.
- 7) Both successful and unsuccessful applicants will be notified of selection results. Unsuccessful applicants will be notified and informed of why they were unsuccessful and will be offered appeal rights.

SELECTION OF AGRICULTURAL PERMITEES

CAA opportunities **must** first be offered through a Competitive or Lottery process. If no applicants are received or applicants cannot meet CAA requirements, permittees may be selected through the negotiated sale process. If an emergency or opportunistic habitat management action does not meet the level of “substantial involvement”, necessitating a CAA, a permittee may be selected through the negotiated sale process and documented on a Special Use Permit.

In an effort to offer CAA opportunities to more agricultural operators, CAA’s awarded to a specific person or entity **may** be limited. For example, *a cooperator may bid or apply for multiple units. If they are the successful bidder on more than one unit in which multiple bids are received, they will be limited to only one unit of choice. If they are the only bidder on multiple units, they will be awarded those units and will be responsible to complete the CAA for those units. Refuge managers may develop specific restrictions based on the amount and type of interest in the CAA.*

Note: The intent of the 620 FW 2 Cooperative Agricultural Use policy issued on August 3, 2017 is that when agricultural opportunities on refuge lands exist, they are offered to the public through an **open and competitive process**. If the agricultural opportunity offered does not meet the level of involvement requiring a CAA and national public notification, the use of the competitive or lottery process is **strongly encouraged and highly recommended**.

Competitive Bid

Bidding may be conducted in a closed sealed bid or a live auction format. The requirements of each specific bid sale will be dictated, to a large extent, by local circumstances. The following general guidelines shall apply to all competitive public sales:

- 1) The refuge manager will complete a bid prospectus for a competitive public bid or auction. This prospectus shall include appropriate information including:
 - a. maps of CAA areas available
 - b. acreages
 - c. maximum allowable stocking
 - d. species of crops
 - e. seasons of use
 - f. duration
 - g. any allowable deductions to offset any expenses of administering the activity (e.g., fencing, water sources, etc.)

- h. billing and payment process
 - i. special conditions.
- 2) Stations may establish a minimum bid based on the current U.S. Department of Agriculture (USDA), National Agriculture Statistics Survey (NASS) State-wide grazing rates, county rental rates, surveying local fair market value, or refuge manager expertise.
- a. failure to comply with the minimum bid provision will eliminate any potential consideration.
 - b. bids received after the specified closing date will be returned to the bidder unopened. Bids not in conformance with the advertised terms of the sale will be rejected.
- 3) For sealed bidding, all bids will be opened on the same day at a meeting open to the public. Notification of unsuccessful bidders will be made promptly. Apparent high bidders will be notified promptly of their selection.
- 4) The refuge or district reserves the right to reject any or all bids that do not meet requirements identified in the prospectus (*e.g. minimum bid, stocking rate, crop, and herbicide requirements, current permit violations, etc.*)

Competitive Ranking

Field stations may establish a ranking system to evaluate and select cooperators for offered management units. The refuge manager and staff must determine which objective criteria are important to lead to the success of the CAA. The ranking system will have objective criteria with an associated numeric value that will be answered and submitted by the potential permittee at the time of application. Objective criteria may include:

- 1) Experience in the type of agricultural opportunity posted, especially personal experience on the permit area, NWRS lands or comparable land;
- 2) Experience and ability to successfully cultivate crops or produce specific cover types or growing methods that meet the life history requirements of species for which we have established objectives under Service or similar restrictions;
- 3) Having the proper equipment, materials, labor, or other resources to participate in the cost-sharing nature of a CAA; and
- 4) Other objective criteria necessary to ensure the cooperative agriculture meets the resource management objectives of the NWRS lands.

Note: Whenever two or more applicants are equally bid or qualified under either of the competitive processes established above, a drawing will be held between the applicants to determine the successful applicant.

Lottery

When a lottery procedure is adopted, the refuge manager will establish the conditions and criteria that cooperators will be required to meet in order to meet management plan objectives (*e.g. animal unit months, equipment, rotation, etc.*). On the lottery applications, applicants will certify that all necessary conditions and criteria can be met. Permittees will be selected by random drawing open to the public, with the actual drawing performed under the supervision of the refuge manager. Drawing results will be announced as soon as possible prior to the beginning of the permit period.

Negotiated Sale

The negotiated sale process may be used in the absence of a competitive or lottery process, or when the project does not meet the criteria for a CAA. Negotiated sales typically involve situations that are temporary, short-term, or one-time use. All negotiated fees must be based on the current NASS state-wide grazing rates, county rental rates, or surveying local fair market value. Documentation of fee justification is required.

There are permit request situations that are short term, narrow in scope, and typically cause minimal impacts to refuge lands. These situations do not meet a level of substantial involvement, requiring public notification or a competitive process to award a permit. The following situations allow a refuge manager to complete a negotiated sale without public notification or a competitive process

- 1) **Non-commercial stock.** Grazing of non-commercial pack and saddle stock used by hunters, anglers, campers, or other visitors to refuge or district lands is permitted where such trips have been determined to be compatible in an approved CCP.
 - a. authorization will normally be for a period coinciding with the duration of the trip.
 - b. trips that are less than 24 hours are exempt.
- 2) **Grazing stock for permitted operations.** Authorization for grazing of pack and saddle stock used to manage permitted livestock operations will be permitted with the issuance of livestock grazing privileges and need not be otherwise authorized.
- 3) **Trailing livestock across refuge lands.** All persons wishing to trail livestock across refuge or district lands for any purpose will be required to obtain a separate trailing permit.

- a. The conditions of trailing permits are at the discretion of the refuge manager
 - b. In cases where an established right is involved, no charge will be made, but may include time-limits or other requirements in a permit
- 4) **Grazing for commercial stock.** If grazing of commercial pack and saddle stock is found compatible at a given refuge or district, individual grazing permits for grazing pack and saddle stock may be issued to packers and outfitters.
- a. Only those animals involved in the commercial guiding operation are permitted to graze under this permit.
 - b. The refuge manager will establish an appropriate rate and a minimum permit charge.
 - c. Permits will normally be issued for the duration or term of the season of use, not to exceed one year.
- 5) **On-and-off grazing, private.** Where non-refuge lands predominate in some unfenced natural range units, it is not reasonable to expect the private landowner to waive control of their lands to the Service.
- a. Permits may be issued to an adjacent private landowner so that use and management of public and private lands can be integrated, where natural conditions for integration exist.
 - b. Use of this provision will, whenever possible, insure proper management of refuge or district lands as dictated by Service policy and the objectives established for the lands involved.
- 6) **On-and-off grazing, other agencies.** On some refuge or district lands, on-and-off grazing occurs where the adjacent lands are owned by another public land management agency. As a practical matter, this situation requires that the permittee, and the user of the adjacent land, be the same person or that the boundary be fenced.
- a. It is vital that the refuge manager develop a good working relationship with the administrator of the adjacent land.
 - b. Assuming Service management objectives are met, the two administrators will cooperate in the development of grazing programs for such areas.
 - c. If problems arise that cannot be resolved by such cooperation, due to objectives or policy differences, fencing may be the only acceptable alternative.

GRAZING/HAYING PROGRAM

Establishment of Grazing/Haying CAA Rates

- 1) Through a competitive bid process, the local market sets the grazing and haying rates.
 - a. The station may establish a minimum bid based on the current NASS state-wide grazing rates, county rental rates, surveying local fair market value or refuge manager expertise.
 - b. Whichever method is used it **MUST** be fully documented.
- 2) In the absence of competitive bids, the establishment of grazing and haying fees will be determined by use of state-wide averages of grazing and haying prices or surveying the local fair market value. These two methods include:
 - a. State-wide averages of grazing and haying prices. The USDA, NASS annually publishes (typically in January) state-wide averages for prices received for grazing and haying. Region 6 will use the USDA yearly published rates as the base rate of charge.
 - i. If a refuge or district unit is below the base rate for grazing, we will increase the yearly fee by \$1.00/Animal Unit Month (AUM) per year until the base rate is reached. Once the USDA base rate is reached, the rate will then be based on the USDA's annual rate reported.
 - b. Survey of local fair market value. If the refuge manager deems the NASS rate to be unrepresentative of local conditions, the refuge manager may conduct local surveys of prevailing grazing and haying fees at least once every three years.
 - i. No fixed number of interviews or specific individual contacts is required, but sampling should be thorough enough to document that fair market value for comparable grazing and haying fees have been adequately determined.
 - ii. People normally aware of prevailing rates include: State extension service agents, private ranchers and farmers, appraisers, real estate and lease brokers, and personnel of Federal and State agencies selling or familiar with charges for comparable privileges.
 - iii. Refuge managers are required to document and maintain records of all interviews and supporting documentation in the refuge files.

Use of AUM Factor for Grazing Rate Calculations

An AUM is the amount of forage necessary to maintain a 1,000 pound animal for one month. This definition is based on the Society for Range Management's glossary of terms used in range management in which an Animal Unit (AU) is a, "...mature (1000 lb.) cow or the equivalent based upon average daily forage consumption of 26 lbs. dry matter per day."

Managers are advised that when using AUM's as the basis for calculating grazing rates, differences exist between the Service, the Bureau of Land Management (BLM), and the U.S. Forest Service (Forest Service). The BLM defines an AUM simply as, "*the amount of forage necessary for the sustenance of one cow or its equivalent for a period of 1 month*" (43 CFR 4100.5). The Forest Service defines grazing use in terms of "Head Month" instead of AUM. A head month is defined as "...a month's use and occupancy of range by one animal, except for sheep or goats" (36 CFR 222.50(c)). Both BLM and Forest Service however exempt fees for calves under 6 months of age when they enter federal land and will not become 12 months of age during the authorized grazing period (36 CFR 222.50(c) and 43 CFR 4130.8-1(d)). Based on these exceptions, permittees will often reference an AUM as a cow plus calf less than 6 months of age. Several other federal and state agencies have adopted this definition. The Service does not have similar regulatory language regarding calves less than 6 months of age.

Region 6 has adopted the definition of an AU and AUM referenced in the, "Study of Fees for Grazing Livestock on Federal lands, A Report from The Secretary of the Interior and The Secretary of Agriculture, dated October 21, 1977." An AU, as defined by the Society for Range Management, is "...one cow of about 1,000 pounds. Thus, one cow on the range for 1 month is an AUM and a cow with nursing calf less than 6 months old is estimated to 1.1 to 1.3 AUMs."

Region 6 will use 1.2 AUMs to define a cow with nursing calf less than 6 months old as the median. This is based on the Society for Range Management and the "Grazing Rates for Cattle by Selected States and Regions, U. S. Department of Agriculture (USDA)" publication. Other species of livestock will have AUM rates calculated accordingly (e.g., horses typically rate at 1.5 AUM).

Refuge managers have the discretion to modify the cost of AUMs based on local conditions and type of animal grazing on the refuge or district or use the published NASS rates without additional calculations.

AGRICULTURAL PRACTICES FOR RESTORATION

Agricultural practices for restoration are the conversion of **formerly cropped lands** into plant communities that are representative of the historic native plant community for that ecoregion. Agricultural practices for restoration rely on the use of tillage, herbicide application, and cropping to prepare the site for restoration by reducing competition of invasive species.

Establishment of Agricultural Practices for Restoration CAA Rates. The land rental or crop share rate established at the beginning of the CAA will remain constant through the life of the agreement.

- 1) Through a competitive bid process, the local market sets the land rental rates. The station may establish a minimum bid.

- 2) The Service may establish the land rental rate by utilizing USDA Ag Statistics County Average for the appropriate county. Documentation of this process is required.
- 3) Deductible expenses can be applied as long as they are consistent with the Custom Farm Work Rates for local area and documented (retain receipts for materials and/or labor).

Use of Genetically Modified Crops, specifically, Genetically Modified, Glyphosate-Tolerant

- 1) All use of genetically modified crops will occur under the guidance of the 2011 Regional Environmental Assessment, "Use of Row Crop Farming and Genetically Modified, Glyphosate-tolerant Corn and Soybeans on National Wildlife Refuges and Wetland Management Districts."
- 2) The use of genetically modified crops on refuge lands **is limited** to genetically modified, glyphosate-tolerant (GMGT) corn and soybeans. No other genetic modifications for additional herbicide resistance are authorized.
- 3) The use of GMGT corn and soybeans will be allowed **only** for the purpose of habitat restoration.
- 4) The use of GMGT corn and soybeans would be limited to five years for any individual tract in preparation for habitat restoration.
- 5) The refuge manager reserves the right to obtain seed samples for testing from the farming cooperator when planting or a) by extracting a small sample from the soil after planting; b) by testing plant tissue; c) by applying chemical to a random sample; or d) by removing a sample of tissue for laboratory analysis.
- 6) Refuge managers are required to complete and submit an "Eligibility Questionnaire for Genetically Modified Crops" for review and approval prior to authorizing any uses of GMGT for habitat restoration projects.
 - a. Assistant Regional Director (ARD) for Refuges will review the answers in the questionnaire and approve or deny requests to use GMGT corn and soybeans.
- 7) Refuge managers proposing to use GMGT crops must have a current farming compatibility determination that addresses the use of GMGT crops for habitat restoration.
- 8) The refuge manager reserves the right to approve seed prior to planting.
- 9) The refuge manager reserves the right to obtain seed labels for all crops planted.

AGRICULTURAL PRACTICES FOR WILDLIFE

Agricultural practices for wildlife are valuable management techniques allowed when they specifically contribute to the support of migratory bird populations or other wildlife objectives.

They will be utilized only when it is determined essential to accomplishing the refuge purposes and the ARD for Refuges approves there use.

Establishment of Agricultural Practices for Wildlife CAA Rates - The land rental or crop share rate established at the beginning of the CAA will remain constant through the life of the agreement.

- 1) Through a Competitive Bid Process, the local market sets the land rental rates. The station may establish a minimum bid.
- 2) The Service office may establish the land rental rate by utilizing USDA Ag Statistics County Average for the appropriate county. Documentation of this process is required.
- 3) Deductible expenses can be applied as long as they are consistent with the Custom Farm Work Rates for local area and documented (retain receipts for materials and/or labor).

Use of Non-genetically modified Crops

- 1) **Only** Non-GMO crops are allowed for agricultural practices with the purpose of supplementing wildlife food.
- 2) The refuge manager reserves the right to obtain seed samples for testing from the farming cooperators when planting or a) by extracting a small sample from the soil after planting; b) test plant tissue; c) by applying chemical to a random sample; or d) by removing a sample of tissue for laboratory analysis.
- 3) The refuge manager reserves the right to approve seed prior to planting (example requires seed be approved by the Council for Responsible Genetics).
- 4) The refuge manager reserves the right to obtain seed labels for all crops planted.

FSA Program Guidance

With the exception of federal crop insurance, crops on refuge lands are not eligible for USDA benefits or subsidies.

SPECIAL USE PERMITS

A Special Use Permit application (SUP) (FWS Form 3-1383-C) will be used to apply for **all** agricultural habitat management practices in a CAA or otherwise. The following site can be used to access the appropriate application: <http://www.fws.gov/refuges/visitors/permits.html>

- 1) The SUP will be generated in:
<https://fishnet.fws.doi.net/regions/9/nwrs/visitor/SUP/SitePages/Home.aspx>
- 2) The SUP will be signed by the refuge manager and cooperator.
- 3) The refuge manager is authorized to require additional attachments to the SUP which may include special conditions, maps, or other binding documentation not found in the permit.
- 4) Any changes to the existing original SUP must have prior approval by the refuge manager and permittee and must have a signed and dated addendum to document such changes.
- 5) The refuge manager is authorized to issue a SUP for up to five years to meet habitat management objectives.
- 6) If SUPs are issued for multiple years, the permits will be reviewed annually. Upon review, refuge manager and cooperator will concur on permit fee balance, deductions, gather actual grazing days and chemical rates used, discuss future stocking rates and crops, and future planned chemical use.
- 7) Refuge manager should take measures to ensure that permittees understand general conditions and requirements prior to issuing the SUP.
- 8) Refuge manager is responsible for monitoring activities of the permittee to assure adherence to the SUP conditions and take corrective actions if needed.

General Conditions that Must Be in All CAAs

- 1) The statutory authority under which the CAA has been entered into, including U.S. Code citation(s);
- 2) the Program Code (e.g., Catalog of Federal Domestic Assistance (CFDA) number) and a brief summary of the purpose of the cooperative agriculture opportunity;
- 3) objectives and acreage for cooperative agriculture based on conformance with explicit objectives in the NWRS land's comprehensive conservation plan, habitat management plan, or other appropriate plan;
- 4) agreed upon cost-sharing between the parties or payment required to the Service;
- 5) plan of Operations outlining the terms and conditions of the cooperator's access on and use of NWRS lands and property;
- 6) the degree of involvement of the parties, including the frequency of communications and meetings between the parties, as well as the frequency of review and revision of the Plan of Operations;

- 7) the respective responsibilities, obligations, rights, and accountability, as appropriate to the particular project;
- 8) the respective rights and obligations of the parties in such areas as project performance and management, partial or total termination of the work, changes in the scope of work, period of performance, application of funding and resources, title to property, records maintenance and access, liability, etc.; and
- 9) the duration of the CAA, including any terms of termination.

Standard Special Conditions to Be Included in All Grazing SUP

- 1) The U.S. Fish and Wildlife Service reserves the right to modify or terminate the SUP if habitat conditions warrant and/or the terms of the permit are not fulfilled by the permittee.
- 2) All liability relating to livestock and livestock management to include all persons working for the permittee, whether related, hired or as a partner is strictly that of the permittee as listed on the SUP.
- 3) The permittee must be in compliance with the respective state and local livestock health regulations.

Standard Special Conditions to Be Included in all Agricultural Practices for Restoration SUP

- 1) Permittees are required to implement and/or maintain site specific BMPs: *[INSERT LIST]*
- 2) An approved Pesticide Use Proposal is required before pesticide application and permittee is required to follow the associated guidelines.
- 3) The only GMO crops allowed are glyphosate-tolerant corn and soybeans.
- 4) No neonicotinoid-treated seed can be used.
- 5) Permittee is required to report pesticide use by *[INSERT DATE]*.
- 6) Refuge manager shall establish crop share basis.
 - a. If the SUP is written for multiple years then the following language is required
 - b. The permittee agrees that agricultural crops of the type and acreages must be planted, cultivated, and harvested in accordance with special conditions specified above during the first year of operation.

- c. If this agreement is for more than one year the conditions (to include but not limited to), type of crop, acreage, herbicide use, approved seed treatment, etc. may be altered or modified annually, following the first year of operation.
- d. Changes in the agreement must be made prior to planting season by an addendum, which is attached to and becomes part of the agreement.
 - i. The Service must provide the permittee those changes to the agreement prior to [INSERT DATE] by a written addendum.
 - ii. The permittee then has until [INSERT DATE] to accept or reject those changes.
 - iii. If the changes are agreed upon by the permittee, the addendum is signed and attached to the SUP and becomes part of the agreement. If the changes are not accepted, the selection process will begin again.

Standard Special Conditions to Be Included in all Agricultural Practices for Wildlife SUP

- 1) Permittees are required to implement and/or maintain site specific BMPs: *[INSERT LIST]*
- 2) An approved Pesticide Use Proposal is required before pesticide application and permittee is required to follow the associated guidelines.
- 3) Only Non-GMO crops are allowed.
- 4) No neonicotinoid-treated seed can be used.
- 5) Permittee is required to report pesticide use by [INSERT DATE].
- 6) Refuge manager shall establish crop share basis.
- 7) If the SUP is written for multiple years then the following language is required
 - a. The permittee agrees that agricultural crops of the type and acreages must be planted, cultivated, and harvested in accordance with special conditions specified above during the first year of operation.
 - b. If this agreement is for more than one year the conditions (to include but not limited to) type of crop, acreage, herbicide use, approved seed treatment, etc. may be altered or modified annually, following the first year of operation.
 - c. Changes in the agreement must be made prior to planting season by an addendum, which is attached to and becomes part of the agreement.
 - i. The Service must provide the permittee those changes to the agreement prior to [INSERT DATE] by a written addendum.

- ii. The permittee then has until [INSERT DATE] to accept or reject those changes.
- iii. If the changes are agreed upon by the permittee, the addendum is signed and attached to the SUP and becomes part of the agreement. If the changes are not accepted, the selection process will begin again.

DEDUCTIONS, EXPENSES and EXCHANGE OF USE

The Refuge Revenue Sharing Act provides authority to deduct necessary expenses incurred in connection with the revenue-producing and revenue-sharing measures (16 USC 715s (b); 50 CFR 34; OMB Circular A-25 9(a)). In 2006, [a Memorandum](#) from the Assistant Regional Director (ARD), NWRS in Region 6, provided guidance on the procedures for making appropriate deductions for expenses associated with agricultural activities, including

- 1) **Annual Review and Certification of Receipts.** Refuge managers are directed to determine fair and reasonable expenses for administering Service Economic Use activities. The ARD for Refuges may annually review the receipts of each refuge and district and certify that all receipts have been administered consistent with Service policy.
- 2) **Fee Collection.** Procedures concerning receiving, handling, and depositing monies will be followed as outlined in current Service Guideline.
- 3) **Numbered SUPs.** Each refuge or district will establish the following numbering system for SUPs. The permits will be numbered consecutively each fiscal year as follows
 - a. Organizational code + fiscal year + three-digit permit number
- 4) **Procedure for Documentation of Incurred Expenses.** Each refuge or district is responsible for tracking all salary costs and purchases associated with administering economic uses at the field station. All documentation should be attached to the file copy of the SUP for the CAA unit.

Region 6's NWRS guidance is that under ordinary circumstances, all proceeds generated from commercial activities are deposited into the Refuge Revenue Sharing account. Agricultural activities can incur necessary costs during the administration of the SUP that qualify as deductible expenses. Deductible expenses may be the cost of materials, labor, equipment or infrastructure necessary to implement practices within the management unit. Refuge managers may utilize up to 75 percent of the gross total bill for expenses and/or deductions incurred in the management unit. The refuge or district **must** collect 25 percent of the gross total bill. In unusual or special circumstances, this guidance may be waived. To obtain this waiver, the refuge manager must submit a specific proposal to your refuge supervisor and get specific written approval to deviate from the 75 percent rule. Under no circumstances can a credit be given that exceeds the total value of the permit.

For the purpose of administering the cooperative agricultural program at a landscape level, Region 6 considers the entire refuge or district as a “management unit”. Refuge managers may further sub-divide the management unit into “permit” areas to meet local needs.

Refuge managers may **not** use deductible expenses to facilitate practices on other management units (i.e., different refuges or districts). A refuge manager may **not** have a cooperator deposit the deductible expenses to establish a credit or finances that are surplus to Congressional appropriations and these deductions may not be used for goods and services that have no relationship to the permit (e.g., *a refuge cooperator may not deposit crop or money in an elevator or business to establish a credit for future refuge expenses*)

Deductions may also be limitations of a management unit, such as accessibility, terrain, poor forage, etc. and may be adjusted for localized conditions. The rationale demonstrating how the refuge manager arrived at these deductions must be documented in the refuge or district files.

Expenses incurred from administration of this program may be paid for with the proceeds generated from the agricultural practices. Receipts or a description of the expenses must be documented in the refuge or district files.

Grassland Banking is designed to give the owner or lessees of land with special wildlife or habitat value the opportunity to not graze or hay these lands to benefit wildlife in exchange for grazing or haying fees on refuge or district lands. The refuge or district is compensated for the use of its lands by the use of the waived lands for Service purposes. It permits management of the waived lands as an integral part of refuge or district lands. Exchange of use permits may be issued for periods not to exceed five years, but should be limited to the period over which the applicant has control of the waived lands if they are not the owner. Exchange for 100% of the grazing or haying fees must be authorized by the refuge supervisor.

1) Acceptable deductions, expenses, and exchange of use are:

- a. accessibility, terrain, poor forage
- b. grass and forb seed
- c. site and seedbed preparation of former cropland
- d. rock and debris disposal
- e. wetland and landscape restoration, earthwork
- f. fencing materials, fence removal/construction
- g. tree and brush removal
- h. Integrated Pest Management Procedures: Chemical, Biological and Cultural
- i. hauling and pumping water and livestock watering infrastructure

- j. routine maintenance of roads and access points
 - k. livestock rotations and transportation as directed by plan of operations
 - l. onsite livestock
 - m. herder
 - n. grassland banking
- 2) Consult with refuge supervisor on other proposed deductions or expenses.
 - 3) Deductions and expenses will be identified in the SUP, Special Conditions, prospectus or Cooperative Agricultural Agreement.
 - 4) Deductions and expenses will be based on local fair market value, appropriate county Ag Statistics, or actual receipts.

PESTICIDE USE

The term pesticide is inclusive of herbicides, fungicides and insecticides.

- 1) Refuge managers must adhere to the current Region 6 Pesticide Use Policy.
- 2) Refuge managers are encouraged to minimize number and quantity of pesticides used.
- 3) An approved Pesticide Use Proposal (PUP) is required for every pesticide used prior to application.
- 4) Refuge managers are authorized to approve PUPs of one-year duration for ground applications of pesticides containing the active ingredients on the current field station approval list according to current regional guidelines and all label conditions.
- 5) A valid Intra-Service Section 7 Consultation Form (coordinate with Ecological Services office as appropriate) must be completed and attached to the current year's PUP for each pesticide used.
- 6) A copy of the approved PUP must be provided to permittee prior to application of that pesticide.
- 7) Neonicotinoid treated seed is not allowed. Exemption from this guidance requires written approval from the Assistant Regional Director.
 - a. Neonicotinoids are a class of insecticides chemically similar to nicotine. They are marketed and distributed in various forms including sprays, powders and seed treatments. Trade names containing neonicotinoids may include (but are not limited to) Acceleron[®], Acetamiprid[®], Actara[®], Adage[®], Adjust[®], Admire[®],

Advantage[®], Alpine[®], Arena[®], Assail[®], Belay[®], Calypso[®], Celero[®], Centric[®], Clutch[®], Confidor[®], Cruiser[®], Dinotefuran[®], Encore[®], Flagship[®], Gaucho[®], Helix[®], Inside[®], Intruder[®], Legend[®], Merit[®], Meridian[®], Nipsit[®], Platinum[®], Poncho[®], Pravado[®], Premise[®], Regent[®], Safari[®], Scorpion[®], Titan[®], Touchstone[®], Tristar[®], and Venom[®].

- b. Active ingredients include: *acetamiprid, clothianidin, dinotefuran, imidacloprid, nithiazine, sulfoxaflor, thiacloprid, and thiamethoxam.*

BEST MANAGEMENT PRACTICES (BMPs)

- 1) The goal of Region 6 field stations should be to provide leadership in the implementation and demonstration of BMPs and other conservation practices in the Cooperative Agricultural Program.
- 2) Each station with a Cooperative Agricultural Program should incorporate BMPs for their station in special conditions of SUPs.
- 3) Refuge managers are encouraged to implement sustainable agricultural practices.
- 4) Refuge managers are encouraged to develop informational material, or post interpretive signs that would educate the public on the current cooperative agricultural program as it relates to native habitat restoration or conservation practices.

REGIONAL OFFICE SUPPORT AND MONITORING

- 1) Regional office will provide an Annual Pesticide Use Policy and associated field approval list in January of each year even if there are no changes.
- 2) Regional office will provide Annual Grazing Rates in February of each year.
- 3) Regional office should conduct a certain level of monitoring of submitted field station SUPs.
- 4) Regional office will conduct station agricultural program reviews on a regular basis to evaluate Regional implementation of associated guidelines.
- 5) The Cooperative Agricultural Team is to remain intact and reconvene at least annually to:
 - a. Address new/additional agronomic restoration issues
 - b. Amend agricultural guidelines and provide needed amended language to Regional Management Team by December 31 of each calendar year.
 - c. Assist the Regional Management Team as needed with pertinent agronomic restoration issues, field reviews and Project Leader conference calls.

- 6) Regional office will develop a permanent [Cooperative Agriculture site](#) to store all pertinent documents to support the Grazing, Haying and Agronomic Restoration programs.