



U.S. FISH AND WILDLIFE SERVICE TRANSMITTAL SHEET

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| PART 504 FW 1, 2, 3, 4, 5 & 640 FW 1 | SUBJECT Department of Agriculture Programs Inventory Property Disposal Program Debt Cancellation Conservation Contract Program Wetlands Reserve Program Wetland Conservation - Swampbuster USDA Conservation Programs Management of Non-Owned Lands Partners for Fish and Wildlife Program | RELEASE NUMBER 431 |
| ORIGINATING OFFICE Division of Fish and Wildlife Management and Habitat Restoration | | DATE September 24, 2003 |

EXPLANATION OF MATERIAL TRANSMITTED:

These chapters are the Service Partners for Fish and Wildlife Program policy. They establish goals, requirements, limitations, and priorities for habitat improvement projects and technical assistance provided to private landowners.


Deputy DIRECTOR

FILING INSTRUCTIONS:

Remove:

504 FW 3, 01/11/95, FWM 168
 None
 504 FW 7, 02/17/95, FWM 175
 504 FW 6, 02/17/95, FWM 174
 504 FW 8, 02/17/95, FWM 176
 Appendix 1, 504 FW 8, 02/17/95, FWM 176
 Appendix 2, 504 FW 8, 02/17/95, FWM 176

Insert:

504 FW 1, 09/24/03, FWM 431
 504 FW 2, 09/24/03, FWM 431
 504 FW 3, 09/24/03, FWM 431
 504 FW 4, 09/24/03, FWM 431
 504 FW 5, 09/24/03, FWM 431
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 None
 640 FW 1, 09/24/03, FWM 431

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5.1 What is the purpose of this chapter? This chapter establishes our policy for assisting the U.S. Department of Agriculture (USDA) in implementing various USDA conservation programs. As used in this chapter, the terms "we," "our," and "Service" refer to the Fish and Wildlife Service.

5.2 What are the authorities for this chapter?

- A. Food Security Act of 1985.
- B. Food, Agriculture, Conservation, and Trade Act of 1990.
- C. Federal Agriculture Improvement and Reform Act of 1996.
- D. Farm Security and Rural Investment Act of 2002 (2002 Farm Bill).
- E. 7 CFR 636, Wildlife Habitat Incentives Program.
- F. 7 CFR 1410, Conservation Reserve Program.
- G. 7 CFR 1466, Environmental Quality Incentives Program.

5.3 Who is responsible for assisting USDA in implementing its conservation programs?

A. Assistant Director - Fisheries and Habitat Conservation:

- (1) Oversees our role in USDA conservation programs.
- (2) Acts for the Service in consultations with USDA agencies regarding their conservation programs.
- (3) Coordinates Service activities related to USDA conservation program activities with the Assistant Director - National Wildlife Refuge System and appropriate Service offices.

B. Chief, Division of Fish and Wildlife Management and Habitat Restoration:

- (1) Assists USDA in the development and revision of its various conservation program regulations, policies, and manuals.
- (2) Participates in the negotiation and resolution of regulation, policy, and manual issues.
- (3) Plans, develops, and monitors Service policies and procedures related to USDA conservation programs.
- (4) Prepares guidance, technical assistance, and training on USDA conservation program activities for Regional and State/Ecoregion Partners for Fish and Wildlife coordinators.

(5) Provides copies of the USDA conservation program manuals, and all amendments and revisions thereto, to the Regional Partners for Fish and Wildlife coordinators.

(6) Represents the Service in discussions with USDA agencies on national or regional issues relating to the USDA conservation programs, and coordinates the resolution of issues elevated to the Washington Office by Service field offices, USDA field staff, and private landowner appeals.

(7) Participates in USDA's Natural Resources Conservation Service (NRCS) headquarters reviews of USDA conservation programs.

(8) Collects and analyzes data on the accomplishments, costs, and benefits of Service activities related to USDA conservation programs.

C. Regional Directors will implement USDA conservation programs within their Region. Each Regional Director will designate a **Regional Partners for Fish and Wildlife coordinator** who will:

(1) Provide copies of USDA conservation manuals, and all amendments thereto and revisions thereof, to the State/Ecoregion Partners for Fish and Wildlife coordinators.

(2) Provide technical guidance to field offices regarding conservation program assistance to USDA and to private landowners, and ensure that Service personnel adhere to guidance in the Service Manual and in the applicable USDA conservation manuals.

(3) Maintain a working relationship with NRCS State conservationists and Farm Service Agency (FSA) State executive directors, and work with them to resolve issues.

(4) Monitor and evaluate field staff participation, involvement, and effectiveness with USDA's conservation programs.

(5) Evaluate the effectiveness of these programs in the Region and make required reports to the Assistant Director - Fisheries and Habitat Conservation.

D. State/Ecoregion Partners for Fish and Wildlife Coordinators are responsible for coordinating with USDA agencies at the field level regarding the implementation of conservation issues and projects, and will:

(1) Implement the policies in this chapter across the State/Ecoregion.

(2) Provide technical assistance regarding the implementation of conservation projects, upon request by USDA.

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(3) Serve as members of the NRCS State technical committee and, as otherwise requested, provide technical assistance to USDA to maximize the benefits of the various USDA conservation programs to Federal trust species. As a member of the NRCS State technical committee, our responsibilities include, but are not limited to, identifying high priority natural resource issues and solutions; facilitating partnerships and on-the-ground project implementation; assisting with the development of eligibility and ranking factors; identifying biologically sound and cost-effective conservation practices; developing compatible use guidelines; and evaluating wetland and other fish and wildlife habitat complexes for restoration and protection, minimum or maximum intention sizes, long-term monitoring procedures, operation and maintenance criteria, and other technical issues.

(4) Maintain current copies of USDA conservation manuals and all amendments thereto and revisions thereof.

(5) Provide financial assistance through cooperative agreements on habitat improvement projects that will significantly improve habitat for Federal trust species in established priority areas of the Nation, in accordance with Partners for Fish and Wildlife habitat improvement policies in 640 FW 1.

(6) Consult with USDA and help to develop State-specific guidance and criteria for implementation of USDA's conservation programs.

(7) Provide each NRCS State conservationist and FSA State executive director with the name, address, and telephone number of the State/Ecoregion Partners for Fish and Wildlife coordinator(s) and the Service representative(s) for each county in the State.

(8) Coordinate closely with USDA when considering habitat improvement practices utilizing Partners for Fish and Wildlife Program 1121-Habitat Restoration funds, and utilize such funds in accordance with 640 FW 1.

(9) Report annually on USDA conservation program coordination and cost-sharing to the appropriate Regional Partners for Fish and Wildlife coordinator.

5.4 What documents describe the Service's role in USDA conservation programs?

A. Memorandum of Understanding, January 14, 1987, Wildlife Management Agreements on Lands Enrolled in the Conservation Reserve Program.

B. Memorandum of Understanding, August 6, 2002, Regarding the Implementation of the 2002 Farm Bill Conservation Provisions.

5.5 Why does the Service assist USDA in implementing its conservation programs? USDA agencies are among our strongest partners in achieving fish and wildlife habitat objectives on private lands. In partnering with USDA, we seek to complement USDA conservation programs. In addition, the 2002 MOU states that, on an ongoing basis, the Department of the Interior (DOI), and thus the Service, will provide data and information to support any DOI concerns to USDA through regular meetings and other means of information exchange. For both reauthorized programs and new programs described in the 2002 Farm Bill, we will communicate with USDA to ensure that inter-agency coordination opportunities are fully utilized and that field staffs are collaborating on developing and implementing projects. Partners for Fish and Wildlife Program funds and technical assistance provided to assist USDA in implementing its conservation programs must be dedicated to meeting Service objectives and must result in demonstrable benefits to Federal trust species.

5.6 For which USDA conservation programs may the Service provide technical assistance? We may provide technical assistance to the USDA on any conservation program that qualifies for such assistance under 640 FW 1 and under paragraph 5.2 above.

5.7 What is USDA's Conservation Reserve Program? USDA's Conservation Reserve Program (CRP) is a voluntary program that provides financial incentives to private landowners to implement short-term conservation practices (as described in 10- to 15-year contracts) on eligible lands. The objectives of the CRP are to cost-effectively reduce water and wind erosion; protect the Nation's long-term capability to produce food and fiber; reduce sedimentation; improve water quality; create and enhance fish and wildlife habitat; and other objectives, including encouraging more permanent conservation practices and tree planting. Enrollment of lands in the CRP (especially if the lands are enrolled repeatedly) has substantially enhanced habitats for many migratory birds and other fish and wildlife species by returning cropland to more suitable habitat and by reducing the movement of sediment and contaminants into wetlands and streams. The CRP is administered by USDA's Commodity Credit Corporation (CCC) and FSA. At the field level, the CRP is administered by FSA State and county committees. CCC and FSA may consult with the Service for assistance in implementing the CRP.

5.8 How do potential participants enroll eligible lands in the CRP? See 7 CFR 1410.6 for eligibility requirements. Potential participants can enroll eligible land in the CRP by two methods:

A. General sign-up. Producers submit offers to enroll their acreage in CRP during periodic sign-ups announced by FSA.

B. Continuous sign-up. CCC offers a continuous sign-up for land to be devoted to particular conservation practices that rank highly under the factors described in paragraph 5.9

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below, which may include high priority practices such as filter strips, riparian buffers, shelterbelts, field windbreaks, and living snow fences, grass waterways, shallow water areas for wildlife, salt-tolerant vegetation, and practices to benefit certain approved public wellhead protection areas. Lands eligible for these high priority practices may be enrolled at any time, without competition as occurs with the general CRP sign-up.

5.9 What factors does CCC consider in evaluating CRP contract offers? To the extent practicable, contract offers may be evaluated on a competitive basis in which the offers selected will be those providing the greatest environmental benefits relative to cost. CCC chooses different ranking factors for consideration from time to time in the evaluation of CRP contract offers. Such factors may include, but are not limited to: soil erosion; water quality (both surface and ground water); wildlife benefits; soil productivity; conservation compliance considerations; likelihood that enrolled land will remain in conserving uses beyond the contract period, which may be indicated by, for example, tree planting, permanent wildlife habitat, or commitments to a State or other entity to extend the conservation plan (paragraph 5.10); air quality; and cost of enrolling acreage in the program.

5.10 What is a CRP conservation plan? A CRP conservation plan is a record of a CRP participant's decisions, and supporting information, for treatment of a unit of land or water, and includes a schedule of operations, activities, and estimated expenditures needed to solve identified natural resource problems by devoting eligible land to permanent vegetative cover (including trees), water, or other comparable measures for the duration of the contract period. CRP applicants are required to develop and submit a conservation plan that is subject to the approval of the CCC, NRCS, and the conservation district, for the land to be entered into the CRP. The practices included in the conservation plan must cost-effectively reduce erosion necessary to maintain the productive capability of the soil; improve water quality; protect wildlife or wetlands; protect a public wellhead; or achieve other environmental benefits, and may, if applicable, include a tree planting plan or address the goals included in conservation priority areas so designated by CCC.

5.11 What is the USDA Farmable Wetlands Program? The USDA Farmable Wetlands Program (FWP) is a voluntary program with the objective of restoring up to 1,000,000 acres of farmable wetlands and associated buffers. Eligible producers can enroll eligible land in the FWP through the CRP, and must agree to restore the hydrology of the wetland to the maximum extent possible, as determined by the FSA Deputy Administrator, in accordance with NRCS's Field Office Technical Guide.

5.12 What is the Conservation Reserve Enhancement Program? Authorized by the 1996 Federal Agriculture Improvement and Reform Act and administered by FSA, the

Conservation Reserve Enhancement Program (CREP) is a voluntary partnership program among Federal and State governments and other program participants. The CREP objectives are to coordinate Federal and non-Federal resources to address specific conservation objectives of a State and the Nation in a cost-effective manner and to improve water quality, soils, and wildlife habitat related to agricultural uses in specific geographic areas. The CREP provides financial incentives to encourage farmers and ranchers to enroll in 10- to 15-year contracts to remove lands from agricultural production. Each CREP utilizes selected CRP conservation practices to be implemented on lands enrolled in the CREP, that will help address the identified conservation objectives.

5.13 How is CREP different from CRP? CREP differs from CRP in four ways:

A. CREP is targeted to specific geographic areas. It is designed to focus conservation practices on addressing specific, high priority, environmental concerns.

B. CREP is a joint undertaking among States, the Federal Government, and other stakeholders who have an interest in addressing particular environmental issues.

C. CREP is results-oriented, and requires States to establish measurable objectives and to conduct annual monitoring to measure progress toward implementation of those objectives.

D. CREP can be adapted to meet local conditions on the ground.

5.14 Can owners of lands that are enrolled in the CRP transfer those lands to the Wetlands Reserve Program? Owners of lands that are enrolled in the CRP and that are suitable for restoration to wetlands may apply to have their eligible lands transferred to USDA's Wetlands Reserve Program (WRP) (504 FW 3). Transferred acreage is terminated from the CRP effective the day a WRP easement is filed.

5.15 What is the Wildlife Habitat Incentives Program? The Wildlife Habitat Incentives Program (WHIP) is a USDA voluntary conservation program, the purpose of which is to help private landowners and others develop habitat for upland wildlife, wetland wildlife, threatened and endangered species, fish, and other types of wildlife on their lands. WHIP focuses on wildlife and fisheries habitat of national or regional significance. WHIP is administered by NRCS, and provides technical and financial assistance for the creation and implementation of a Wildlife Habitat Development Plan, which forms the basis of an agreement that is usually of 5 to 15 years in duration. NRCS may enter into cooperative agreements with Federal agencies, State and local agencies, conservation districts, local watershed groups, and private

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entities to assist with program implementation, including cost-share agreement execution, assistance, planning, and monitoring responsibilities. The Chief of NRCS, in consultation with FSA and the NRCS State technical committee, may, in response to national and regional needs, limit program implementation in any given year to specific geographic areas or to address specific habitat development needs of targeted species of special concern. NRCS evaluates WHIP applications and makes enrollment decisions based on wildlife habitat needs and some or all of the criteria listed in 7 CFR 636.5(c). Land already enrolled in the Conservation Reserve Program, Wetlands Reserve Program, Water Bank Program, or Emergency Watershed Protection Program floodplain easement component is not eligible for WHIP. Other program requirements are described in 7 CFR 636.4.

5.16 What is the Environmental Quality Incentives Program? The Environmental Quality Incentives Program (EQIP) is a voluntary USDA conservation program that provides technical assistance, cost-sharing, and/or incentive payments to eligible farmers and ranchers, for the application of needed conservation practices and land-use adjustments to address soil, water, air, and related natural resources concerns on their lands, including grazing lands, wetlands, private non-industrial forest lands, and wildlife habitat; to encourage enhancements on their lands in an environmentally beneficial and cost-effective manner; and to assist them in complying with environmental regulations. The purposes of the program are achieved by implementing structural and land management conservation practices on eligible land. EQIP focuses on reducing environmental impacts caused by livestock production, and addressing other significant conservation priorities across the Nation. NRCS administers EQIP in consultation with FSA and the NRCS State technical committee, and may utilize technical and other assistance from, or enter into agreements with, other Federal, State, and local agencies and others to assist NRCS with implementation of the program. The applicant develops an EQIP plan of operations for the agricultural land to be treated, that serves as the basis for the EQIP contract, which will last for a maximum of ten years. Lands under a CRP contract are not eligible for EQIP funding. The following National priorities are used in the implementation of EQIP:

A. Nonpoint source pollution. Reductions of nonpoint source pollution, such as nutrients, sediment, pesticides, or excess salinity in impaired watersheds consistent with Total Maximum Daily Loads (TMDL) where available as well as the reduction of groundwater contamination and the conservation of ground and surface water resources.

B. Emissions. Reduction of emissions, such as particulate matter, nitrogen oxides (Nox), volatile organic compounds, and ozone precursors and depleters that contribute to air quality impairment violations of National Ambient Air Quality Standards.

C. Soil erosion. Reduction in soil erosion and sedimentation from unacceptable levels on agricultural land.

D. At risk species habitat. Promotion of at-risk species habitat conservation.

5.17 Are there any other USDA conservation programs? Other USDA conservation programs include:

A. Debt Cancellation Conservation Contract Program (Debt for Nature Program) (504 FW 2).

B. Farm and Ranchlands Protection Program.

C. Forest Land Enhancement Program.

D. Conservation of Private Grazing Land Program.

E. Conservation Security Program.

F. Grassland Reserve Program.

G. Resource Conservation and Development Program.

H. Watershed Protection and Flood Prevention Program.

I. Wetlands Reserve Program (504 FW 3).

5.18 Can the Service cost-share in USDA conservation programs listed above? We can cost-share on USDA conservation programs to the extent permitted by USDA and only when Partners for Fish and Wildlife Program funds and technical assistance are dedicated to meeting Service objectives and will result in demonstrable benefits to Federal trust species. In general, no 1121-HR funds will be used to replace funds that are available from USDA programs. For example, the Service could contribute 1121-HR funds for plantings of specific vegetation that would not be necessary for a successful restoration but would add value to a site for a unique, declining, or listed species. Limited 1121-HR funds will be available for habitat restoration purposes on Federal easement lands such as USDA Wetlands Reserve Program easements (see 640 FW 1).