



**Midwest Association of Fish and Wildlife
Agencies**

**Private and Public Lands Committee
Annual Report**

2008

June 5, 2008

Respectfully submitted by

Ken W. Morgan

Private Lands Coordinator Colorado Division of Wildlife

Meeting Time and Place

The Colorado Department of Natural Resources, Division of Wildlife (CDOW) hosted the annual joint meeting of the Private and Public Lands Committees May 5-7, 2008 at the Rocky Mountain National Park Holiday Inn in Estes Park Colorado.

Attendance

Representatives from South Dakota, North Dakota, Minnesota, Iowa, New Mexico, Ohio, Missouri, Colorado, Illinois, Kentucky, Nebraska, Michigan, and Kansas were present at the meeting. (Please see attached attendance list).

Executive Summary

The 17th annual meeting of the Midwest Private Lands working group convened in Estes Park Colorado May 5-7. A joint meeting with representatives from the Private and Public Lands Working groups was conducted covering the following topics and issues: Public and Private Land conflicts, Energy and Wildlife Issues and Wildlife Management issues in Rocky Mountain National Park and surrounding communities. In addition, attendees enjoyed a field trip through Rocky Mountain National Park, guided and narrated by park biologists.

Issues discussed in the Private Lands Working Group meeting included an update and in-depth discussion on Farm Bill Legislation including potential changes in the Conservation Title; an update of the National Pheasant Plan; various programmatic (wetlands, LIP, CRP, Pheasants Forever/Ducks Unlimited Habitat Teams, SAFE updates from states, Open Fields Program, Easement Programs in Colorado, and an update from Ducks Unlimited. Several draft letters for Directors review are attached. Both general and Private Lands Working Group meeting agendas are attached with the report.

Individual State reports will be posted on the MAFWA website.

Director Action Items- Private Lands Working Group

1. Draft a letter for the Directors to be sent to the NRCS to encourage a sweep for EQIP funds now to promote objectives of state action plans – **Tim McCoy, Todd Bogenschutz**
2. Monitor the general CRP sign-up and removal of allocation caps for individual CRP practices and report next year – **Luke Miller/ Tim McCoy/Bill Smith**
3. Draft letter of appreciation from Directors to Iowa, Arizona and Washington for lending their staff to AFWA for support of the Farm Bill in DC – **Palazollo, Bogenschutz/Larson/ Smith will draft**
4. Draft letter from Directors to FSA expressing concerns about how easily producers can get out of new CRP contracts – **Luke Miller**
5. Tim McCoy will produce a summary of how different states have received special wildlife EQIP pools of money
6. Draft letter from Committee to MAFWA directors supporting LIP and SWG monies on private lands – **Steve Riley**
7. Draft letter from Directors to the Secretary of Agriculture with cc to FSA, requesting annual monitoring and reports of the loss of native prairie – **Tim McCoy**
8. Draft letter from Directors to major Land Grant universities requesting that curriculum are more private lands and field technique oriented – **Mark Sargent**

Director Action Items – Public Lands Working Group (Submitted by Scott Peterson and Mark Leslie)

Prescribed Burn Training Guidelines:

Issue: In certain instances, inconsistencies exist among Federal and State agencies prescribed burning training requirements. (Most states already have established minimal fire training guidelines).

Action Item: Recommendation from the Midwest Directors that states who manage federal land can adhere to their own established fire training guidelines

Compatibility Issues:

Issue: The Midwest states continue to receive requests for non-traditional/non-compatible uses of Wildlife Management Areas such as geo-caching, paint balling, OHV use, etc...

Reiterate to the Midwest Directors that these lands were purchased for the specific purposes of wildlife production, public hunting, fishing and trapping and it is imperative that we continue to prohibit those uses that are deemed non-compatible by the states. (This is not necessarily an action item).

Public Lands Working Group Meeting Attendance:

Issue: Continuity of members continues to be a challenge.

Action Item: We would like to reiterate to the Midwest Directors that it is vitally important that each state be represented if we are to be most effective. We would also like a recommendation from the Midwest Directors that those states that can not attend should, at a minimum, submit a written report to the Public Lands Working Group.

Standing Agenda Items:

These are to be included in the Director's Report but not as action items.

- 1) We would like to have the respective Federal Aid representatives attend our future meetings.
- 2) Host state is to give a presentation on their state's public land issues while other states present a condensed report (this is a new recommendation).
- 3) Compatible Use Issues: Since this is an on-going discussion, we should make this a perennial discussion topic at our meeting.

Director Information Items

1. As soon as the Farm Bill is finalized, states will need to be involved in the rule-making process.
2. The working group would like to highlight the importance of LIP and SWG money allocation to private lands.

Time and Place of Next Meeting

Illinois – Time and exact location TBD

Agenda
Midwest Private and Public Lands Working Group Meeting
May 4-7, 2008
Estes Park, Colorado

Sunday May 4th

4:00-9:00pm Registration and Activities

Monday May 5th

7:00am Registration & Breakfast

8:00 Welcome and Introductions

Program Review

8:15 Public/Private Land Conflicts Lessons from Colorado

Dr. Tom Remington, Director, CDOW

8:45 Energy/Wildlife Issues

Brad Petch Senior Wildlife Conservation Biologist

Troy Florian District Wildlife Manager

10:15 Break

10:30 Private Lands Breakout

Public Lands Breakout

12:00	Lunch
1:00	Private Lands Breakout Continued
	Public Lands Breakout Continued
3:00	Break
3:30	Private and Public Lands Joint Session
	Mary Kay Watry – RMNP Biologist
	Wildlife Issues in the Estes Valley Rick Spowart District Wildlife Manager
5:00	Recess Evening on your own
Tuesday May 6th	
7:00	Breakfast
8:00	Private /Public Lands Breakout
10:00	Break
10:30	Breakout Sessions Continued
12:00	Lunch
12:30	Joint Public and Private Lands Field Trip/Rocky Mountain National Park
	MacGregor Ranch
6:00	Barbeque MacGregor Ranch
Wednesday May 7	
7:00	Breakfast
8:00	Private and Public Lands Business Meeting
11:00	Adjourn

Private Lands Working Group Meeting

Agenda

Monday May 5

10:30	Update From DC; National Pheasant Plan	Todd Bogenschutz
11:15	Wetland Wildlife Gains through Landscape Scale Wetland Restorations	Kevin Dacey
12:00	Lunch	
1:00	Review of other LIP Programs and Working on Forested Lands	Mark Sargent
1:30	How we work with/adapt CRP to the changing Ag climate	Tim McCoy
2:15	CRP Mid-contract management- successes and failures. Making agency and NGO cooperation work on joint projects. Addressing the upcoming cellulosic/biofuels issues as it relates to habitat and Farm Bill Programs	Luke Miller
3:00	Break	

Tuesday May 6

8:00	Implementation of the 2007 Farm Bill and Open fields; LIP and other wildlife diversity programs; Nebraska's unique EQIP experience. Review of easement programs. Steve Riley
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9:00 Open Field Program – how to better spend WHIP funding problems with states having to turn back money at the end of the year Terry Riley

10:00 Break

10:30 Wildlifer's Guide to the Farm Bill

11:00 Conservation easements in Colorado Ken Morgan

11:30 Partners Reports (DU, Pheasants, etc.)

12:00 Recess

Wednesday May 7

8:00 Private Lands Business Meeting

11:00 Adjourn

2008 Midwest Association of Fish and
Wildlife Agencies Meeting May 5-7,2008

Name	State
Bill Smith	South Dakota
Suzanne Willhite	Minnesota
Dennis Simon	Minnesota
Bill Penning	Minnesota
Matt Dollison	Iowa
Terry Riley	New Mexico
Pat Ruble	Ohio
Kevon Dacey	Missouri
Bob DeWitt	Missouri
Bill White	Missouri
Shane Briggs	Colorado
Ken Morgan	Colorado
Mark Leslie	Colorado
Greg Link	North Dakota
Kevin Kading	North Dakota
Doug Howie	North Dakota
Kent Luttschwager	North Dakota
Paul Coughlin	South Dakota
Mike McCulley	Illinois
Scott Peterson	North Dakota
Casey Anderson	North Dakota
Patrick Brandon	Kentucky
John Morgan	Kentucky
Dan Figert	Kentucky
Tim McCoy	Nebraska
Jeff Hoffman	Nebraska
Greg Brown	Minnesota
Todd Bogenschutz	Iowa
Scott Whitcomb	Michigan
Mark Sargent	Michigan
Steve Riley	Nebraska
Luke Miller	Ohio
Tom Remington	Colorado
*Jeff Ver Steeg	Colorado
John Cole	Illinois
Mike Mitchner	Kansas

Brad Simpson	Kansas
Chris Berens	Kansas
Robert Barbee	Kansas
John Silvosky	Kansas
Mike McFadden	Kansas
Craig Curtis	Kansas
Jim Jansen	Iowa
Nora Marymor	Colorado
Jeff Joens	Iowa
Bill Voldenhnal	Nebraska

*Jeff Ver Steeg was unable to attend due to a family emergency

May 13, 2008

Matt Hogan

AFWA Executive Director

444 North Capitol Street, NW

Suite 725

Washington, DC 20001

Dear Matt,

While budget challenges made it difficult to keep many Farm Bill program intact during the 2008 Farm Bill debate, AFWA staff played a key roll convincing Congress of the importance of conservation in the new Farm Bill. Through the efforts of AFWA and its conservation partners, an additional \$4 billion dollars over baseline was secured for conservation. While building a Farm Bill is a team effort, it would not have been as productive without the hard work and leadership from a few members of AFWA and state fish and wildlife agencies. I would like to mention a few individuals who went above and beyond to get the Farm Bill moved towards completion. Those include Gary Taylor, Jen Mock Schaeffer, Sal Palazzolo (Arizona Game & Fish Department) and Todd Bogenschutz (IA Department of Natural Resources) for their willingness to put in long hours to get a Farm Bill moved towards completion. Additional, Don Larsen (Washington Department of Fish and Wildlife) and Luke Miller (Ohio Division of Wildlife) were also willing to step forward to fill in if needed.

On behalf of the Midwest Association of Fish and Wildlife Agencies (MAFWA), I would like to thank Gary, Jen, Sal and Todd for their efforts in Washington DC on Farm Bill and Don and Luke's willingness to assist. MAFWA would also like to thank Arizona, Iowa, Washington, and Ohio for their willingness to allow their staff the opportunity to spend time in Washington DC to work on this important piece of legislation.

Sincerely,

Jeff Ver Steeg

MAFWA President

cc: Gary Taylor

Larry Voyles, AZ

Richard Leopold, IA

Jeffrey Koenings, WA

June 17, 2008

Ed Schafer, Secretary

United States Department of Agriculture

1400 Independence Avenue, S.W.

Washington, D.C. 20250

Re: Conservation Reserve Program Contract Modification Authorization

Dear Secretary Schafer:

I am writing to you on behalf of the members of the Midwest Association of Fish and Wildlife Agencies to express our concern regarding the Farm Service Agencies' proposed Modification of CRP Contracts for Critical Feed Use (Notice CRP-598; 73 Fed. Reg. 31053). The Midwest Association of Fish and Wildlife Agencies (MAFWA) is an organization of 14 state and 3 provincial fish and wildlife agencies in the Midwest. Formed in 1934, MAFWA provides a common forum for state and provincial fish and wildlife agencies to share ideas, information, pool resources, and form action initiatives to better the management and conservation of fish and wildlife resources in the Midwest.

On May 27, 2008, the Farm Service Agency (FSA) issued CRP-598, entitled Voluntary Modification of CRP Contract for Critical Feed Use. *See* 73 Fed. Reg. 31053. Our agencies are entrusted with the management and well being of our Nation's wildlife in the Midwest, and we believe this proposed action by FSA will have substantive impacts to wildlife; particularly grassland- and wetland-associated birds. We are deeply concerned with the complete disregard to any consultation with our agencies on this matter before this notice was issued.

We believe the May 27 notice will allow extensive haying and grazing on up to 24 millions acres of land currently enrolled in the Conservation Reserve Program. We appreciate that the notice attempts to minimize impacts to wildlife by limiting the amount of land in any CRP contract that can be hayed or grazed and by prohibiting haying or grazing until after the primary nesting season concludes. Nonetheless, millions of acres will be hayed and grazed during the later part of the summer and through most of the fall. This haying and grazing will eliminate or damage important brood-rearing habitat and

winter thermal cover for several species of wildlife and spring nesting habitat for many species of birds, particularly in the northern tier states. There is no question that populations of migratory and non-migratory upland birds will be reduced because of this decision.

We recognize that 16 U.S.C. 3835(c) confers broad discretion to the Secretary of Agriculture to modify CRP contracts, but it does not excuse compliance with other federal laws, particularly the National Environmental Policy Act. 42 U.S.C. 4231 *et seq.* NEPA requires all federal agencies to take a “hard look” at the environmental consequences of proposed actions. It also requires decision makers to be informed about such impacts so that environmental costs and benefits may be accurately assessed and alternatives considered. It requires consultation with states, and finally, it requires environmental reviews to be circulated to the public so that they can make their own evaluation of environmental impacts. There is no indication in the documentation that FSA provided to our agencies or to the general public that they took a hard look or conducted a serious evaluation of the environmental impacts of this proposed decision, and it appears to us that FSA provided little or no opportunity for consultation with our agencies or with the general public.

It is evident to the members of the MAFWA that the release of 24 million acres of CRP lands to haying and grazing requires NEPA review. The CRP was authorized by Congress to conserve and improve soil, water, and wildlife resources. Modifying the management of two-thirds of the entire authorized acreage to allow haying and grazing is, in our view and by USDA’s own regulations, a major federal action requiring preparation of an environmental impact statement. We believe, at a minimum, an environmental assessment is necessary to determine the environmental impacts of the action and the impacts of alternatives to the action.

In light of the concerns our agencies have expressed above, we request that Notice CRP-598 be suspended pending the completion of an environmental impact statement (EIS) on FSA’s proposed action. We also request that our agencies be granted ‘Cooperating Agency’ status during the development of the EIS to enable FSA to incorporate our concerns and recommendations into the final decision on this issue. Please feel free to contact Ollie Torgerson at _____ should you want to discuss these matters further.

Sincerely,

cc: Teresa Lasseter, Administrator, Farm Service Agency

June 2, 2008

The Honorable Ed Schafer
U.S. Department of Agriculture
1400 Independence Av., S.W.
Washington DC, 220250

Dear Secretary Shafer,

I am contacting you today to express the concern of the Midwest Association of Fish and Wildlife Agencies (MAFWA) regarding the recent increases in native grassland conversion through much of the Midwest. Recent high commodity prices have led to a rapid increase in the conversion of native grasslands in order to produce crops. From the standpoint of conserving populations of upland nesting waterfowl, upland game birds, grassland songbirds, and a host of other wildlife (and native plants), the increased loss of native grasslands is troubling.

As you know, there was an effort to assist in meeting this concern in the 2008 Farm Bill through the Sodsaver provision. Unfortunately, that provision was included in the final bill, but was limited only to the Prairie Pothole Region and optional at the discretion of the governor's of those states that were included.

At the same time we are losing native grassland, extensive acres of grassland that were seeded and conserved through the Conservation Reserve Program (CRP) are also exiting the program and being brought back into production. The combined effect of native grassland conversion and the loss of CRP acres are going to have large impacts on grassland wildlife populations.

State fish and wildlife agencies that have statutory authority for fish and wildlife are attempting to understand the extent and potential impact of the loss of these grasslands. In order to understand the potential impact, summary information on native grassland conversion acres and CRP acres brought back into production is needed. Without that information, states are unable to understand what the

potential impact is, inform the public on wildlife impacts to expect, and to plan conservation action, where needed, to meet critical grassland wildlife needs.

We request that the USDA Make available to state fish and wildlife agencies county level reports of newly converted native grassland acres and CRP acres that were brought back into production starting in 2007, and that those reports be provided annually. Without this information, state fish and wildlife agencies in the Midwest will not be able to accurately assess the current and future impacts on grassland wildlife.

Sincerely,

President, Midwest Association of Fish and Wildlife Agencies

cc: Arlen Lancaster, Chief NRCS

Mark Rey, USDA Under Secretary, Natural Resources and Environment

Melissa Simpson, Deputy Under Secretary, Natural Resources and Environment

John Johnson, FSA Deputy Administrator

Teresa Lasseter, FSA Administrator

President(s) of SEAFWA, WAFWA and NEAFWA

June 2, 2008

The Honorable Ed Shafer
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250.

Dear Secretary Shafer:

I am contacting you today to express the interest of the Midwest Association of Fish and Wildlife Agencies (MAFWA) regarding the disbursement of end of year funds that are swept from conservation programs, especially the Environmental Quality Incentives Program (EQIP). As those decisions are made, please keep in mind that the majority of our nation's fish and wildlife depend on the conservation actions of private landowners.

In the 2002 Farm Bill, Congress recognized this link by making wildlife a co-priority, along with soil and water conservation, of the EQIP. However, from a state and national standpoint, wildlife priorities are not being addressed at the same level in EQIP as soil and water conservation. The disbursement of swept funds to projects with a focus on soil, water, AND wildlife would provide a great opportunity to improve addressing all three resource needs on their lands. I firmly believe that landowners will respond to such an effort, as state level efforts with EQIP to meet wildlife needs have been well received, as well as the consistent high ranking of wildlife as a conservation interest of landowners in national and regional surveys.

From a fish and wildlife standpoint, there are several recent planning efforts for conservation fish and wildlife that I would like to recommend these funds be directed towards. Every state in the Midwest, and the nation, has recently completed State Wildlife Action Plans for the conservation of the full diversity of fish and wildlife. Several regional and national plans for conserving wildlife have also been developed, including the National Bobwhite Conservation Initiative, the Prairie Grouse Conservation Plan, and the Fish Habitat Action Plan, to name a few. These plans identify the critical link working agricultural lands have for healthy fish and wildlife populations, and provide conservation actions that

can be used to identify EQIP practices that can assist in meeting fish and wildlife needs on private lands. MAFWA also encourages NRCS to work with state fish and wildlife agencies, as those agencies have the expertise to assist development of EQIP conservation initiatives and activities.

Thank you for your consideration of this request. MAFWA and our state fish and wildlife agencies look forward to your response, and in working with NRCS to help landowners meet our shared interest in fish and wildlife conservation.

Sincerely,

President, Midwest Association of Fish and Wildlife Agencies

cc: Arlen Lancaster, Chief NRCS

Mark Rey, USDA Under Secretary, Natural Resources and Environment

Melissa Simpson, Deputy Under Secretary, Natural Resources and Environment

President(s) of SEAFWA, WAFWA, and NEAFWA

Dear Directors:

During the recent Spring meeting of the Midwest Private Lands Working Group, members discussed the need to find alternative sources of funding to continue Landowner Incentive Program efforts. You are most likely aware that LIP was not funded for FY 2009 and most likely will not be funded in the future. During our discussions though, it was noted that the Interior Appropriation for fiscal year 2009 did include the following language as a part of the State Wildlife Grant appropriation:

STATE AND TRIBAL WILDLIFE GRANTS

...The Committee accepts the Department's decision to discontinue the private stewardship and landowner incentive grants programs but recognizes the need for species conservation efforts on private lands to continue. The Committee urges the Service to work with the States to develop a new subset of funding under the State and tribal wildlife grant program that can direct grants toward species conservation projects on private lands. The Committee is receptive to ideas from the Service and the States on how best to accomplish the goal of continued Federal support for conservation on private lands within the framework of the State and tribal wildlife grant program.

Clearly it is the intent of Congress that the Service and the States continue to make strides in species and habitat conservation projects on private lands. They specifically suggest making a concerted effort through State Wildlife Grants to accomplish this goal.

We pass this along because this intent is not widely known among our ranks. Further, we encourage MAFWA Directors to inform their appropriate staff and strive to implement this congressional intent within the context of delivering State Wildlife Grant projects within your state. We expect that those who added this language will be watching with interest.

Respectfully,

23 June, 2008

Ed Schafer, Secretary

United State Department of Agriculture

1400 Independence Avenue

Washington, D.C. 21250

RE: Concerns involving contract cancellation for land reenrolled in the Conservation Reserve Program

Dear Secretary Schafer:

The Midwest Association of Fish and Wildlife Agencies (MAFWA) is an organization comprised of 14 states and 3 provincial fish and wildlife agencies in the Midwest. The MAFWA provides a common forum for state and provincial fish and wildlife agencies to share ideas, information, pool resources, and form action initiatives to better the management and conservation of fish and wildlife resources in the Midwest.

For more than two decades, the Conservation Reserve Program (CRP) has played an integral role in the economic vitality and general well being of this nation's farmers, ranchers, and foresters while providing critical natural resource conservation to the rural landscape. Since 1991, the Environments Benefits Index (EBI) has been utilized for CRP applications to determine the most highly sensitive farm land based primarily on the land's soil loss, water quality benefits, and producer's willingness to upgrade the vegetative cover for wildlife habitat. These EBI scores were then used by USDA to identify the highest scoring applications for CRP reenrollment and extension process (REX) for expiring contracts which then allowed qualifying to roll over their CRP into a new 10 or 15-year contracts.

With recent increases in commodity prices and rental payments for farm land, the desire for landowners to cancel recently re-enrolled CRP has increased. The higher prices offset any penalties levied on cancelled reenrollments since the rule identifies the most recent contract approval date, which is usually less than two years. Subsequently, some of our member state agencies have expressed concerns about the message this sends to taxpayers who have made investments to protect the resource. These

cancelled contracts, identified for their high EBI scores, represent some of the most sensitive farmland in their states.

The MAFWA respectfully requests that the USDA reevaluate the rule which deals with CRP reenrollments and the penalties associated with volunteer, early termination of contracts.

Thank you for the opportunity to share our concerns with you.

Sincerely,

President

MAFWA

cc: AFWA

President, WAFWA

President, SEAFWA

President, NEAFWA

