

**Contract No. 003-040**

“North Dakota Pheasant Habitat Initiative” (NDPHI)

Submitted by ND Game & Fish Department

Principal Investigator: Kevin Kading

Directives: A, B, C & D

**PARTICIPANTS**

<b>Sponsor</b>	<b>Cost Share</b>	
ND Game & Fish Department	\$ 1,200,000	
Federal USDA Conservation Reserve Enhancement Program (CREP)	<u>\$34,000,000</u>	
Subtotal Cash Cost Share		\$35,200,000
North Dakota Industrial Commission	<u>\$ 3,000,000</u>	
Total Project Cost	\$38,200,000	

Project Schedule – 6 years

Contract Date – 3/17/2015

Start Date – 3/17/2015

Completion Date – ~~8/31/21~~ 8/31/23

Project Deliverables:

Status Report: July 31, 2015 ✓

Status Report: December 31, 2015 ✓

Status Report: December 31, 2016 ✓

Status Report: December 31, 2017 ✓

Status Report: December 31, 2018 ✓

Status Report: December 31, 2019 ✓

Status Report: December 31, 2020 ✓

Status Report: December 31, 2021\* ✓

Status Report: December 31, 2022\*

Final Report: August 31, 2023\*

*\*Denotes changes from original contract.*

**OBJECTIVE/STATEMENT OF WORK:**

The objective of this proposal is to utilize OHF to assist ND Game & Fish in achieving goals identified in its 10-year pheasant plan. Delivered through the PLOTS program, the NDPHI will utilize existing ND Game & Fish private lands biologists, already working with private landowners and implementing a variety of conservation practices on private lands. This proposal will leverage OHF project funds with federal USDA funding and existing PLOTS funding to maximize benefits for habitat conservation, water quality, and public hunting access by providing private landowners with cost share and incentives for implementing voluntary conservation practices on their land.

The pheasant plan contains several components including:

- Maintain an annual harvest of 600,000 roosters,
- Develop or maintain 200,000 acres of grass plantings,
- Develop 20,000 acre of shrub and winter cover,
- Improve 5,000 acres of hay land/grazing land,
- Develop 5,000 acres of wildlife food plots and high diversity cover crops, and
- Implement 5,000 acres of tall stubble management.

**STATUS:**

Contract has been executed. Game and Fish Department continues their work in confirming the CREP funding and obtaining the Governor’s approval of the CREP Agreement.

The **7/31/2015** status report was submitted on July 21, 2015. The status report indicates the following:

The North Dakota Game and Fish Department's (Department) Pheasant Habitat Initiative (NDPHI) is tied directly to the USDA Conservation Reserve Enhancement Program (CREP). North Dakota is in the development and approval stages for a CREP proposal; at the time of this report, North Dakota was at Stage 4 of 6.

CREP proposal development and approval process:

1. State partners identify natural resource concerns, identify solid State funding commitment and draft a written proposal.
2. National CREP review team reviews and provides comments-negotiations continue.
3. State partners develop draft CREP agreement language.
4. After full consensus is achieved a final CREP agreement is prepared (NEPA process triggered, USDA State Technical Committee review).
5. Final agreement is signed by USDA Secretary of Agriculture and Governor.
6. Partners announce CREP signup.

Consultation and coordination timeline:

Since the NDPHI OHF grant proposal was presented to the full Outdoor Heritage Fund Advisory Board on September 5, 2014, USDA Farm Service Agency (USDA-FSA) directed North Dakota to begin the National Environmental Policy Act (NEPA) Environmental Assessment (EA). A Request for Proposals (RFP) for the EA was issued October 31, 2014.

Developing strong local support for the CREP proposal is an imperative component of the process, and its success. The Department presented the CREP proposal to the full USDA State Technical Committee (STC) on November 19, 2014. State Technical Committees are described on the North Dakota Natural Resources Conservation Services (USDA-NRCS) website:

*The North Dakota State Technical Committee serves as an advisory body to the NRCS North Dakota State Conservationist. The committee provides recommendations on technical aspects of Farm Bill conservation programs. Although the State Technical Committee has no implementation or enforcement authority, the USDA gives strong consideration to the committee's recommendations. State Technical Committees are composed of individuals and groups who represent a diverse group with interests in a variety of natural resources sciences and occupations, including the following: soil, air, plants, wetlands, wildlife, agricultural community, and environmental community.*

No negative comments or suggested actions were generated from the STC meeting. Following the STC meeting, the RFP closed on November 26, 2014 and the Notice of Intent to Award was issued to Carlson McCain, Inc., Bismarck, ND on December 3, 2014. The Department submitted the final CREP proposal to USDA Farm Service Agency (FSA) on December 8, 2014. A Service Contract was signed between the Department and Carlson McCain, Inc., on December 29, 2014 with an expected completion date of June 30, 2015<sup>1</sup>.

Carlson McCain began work on the EA in mid-January and completed a Draft EA on May 21, 2015 for review by the Department, North Dakota State FSA and National FSA personnel. The Draft EA is currently under review with National FSA personnel. The Service Contract has been extended an additional three months until September 30, 2015 to accommodate pending changes or adjustments from the National FSA review.

At the time of this report no funds or match for the OHF grant have been spent. The Department has spent \$13,050 on the Draft EA; however, these funds are state match for the CREP.

<sup>1</sup> The review of the Draft Environmental Assessment has extended past the expected date of June 30, 2015. The Department has extended the Service Contract until September 30, 2015 to accommodate pending changes from the review.

**12/31/2015** - Status Report received. The report states:

Update: In June 2015, National FSA personnel put a temporary hold on the CREP proposal. A reduction in available national CRP acres, reduced funding (PAYGO) and some minor programmatic issues caused them to revisit the proposal. During the last six months the Department, North Dakota State FSA office and National FSA personnel have worked to improve the preliminary final proposal to address these concerns. The National FSA Conservation and Environmental Programs Division (CEPD) Director has indicated in correspondence to the North Dakota State office that *"FSA agrees in principle with the preliminary final proposal...the proposal will now be reviewed for legal sufficiency and all PAYGO implications will be determined."* This review has set back the expected roll out of the program, originally set for fall/winter 2015, now closer to spring/summer 2016.

At the time of this report (December 31, 2015), no funds or match for the OHF grant have been spent. The Department has spent \$13,050 on the Draft EA; however, these funds are used as state match for the CREP and not match for the OHF grant.

Annual Status Report received **12/22/2016**. The report states:

At the time of this report, North Dakota was at Stage 5 of 6 of the CREP proposal process. On December 5, 2016, former Governor Jack Dalrymple signed the Agreement Between the U.S. Department of Agriculture Commodity Credit Corporation and the State of North Dakota. The signing of this agreement was the final step in the development and approval process; the State and FSA will soon announce the program and make it available to producers in the project area.

CREP proposal development and approval process:

1. State partners identify natural resource concerns, identify solid State Funding commitment and draft a written proposal.
2. National CREP review team reviews and provides comments-negotiations continue
3. State partners develop draft CREP agreement language
4. After full consensus is achieved a final CREP agreement is prepared (NEPA process triggered, USDA State Technical Committee review)
5. Final agreement is signed by USDA Secretary of Agriculture and Governor
6. Partners announce CREP signup

*Consultation and coordination timeline:*

After several months of discussions with USDA-FSA, the Department and Carlson McCain, Inc. published a Notice of Availability (NOA) for the Draft Environmental Assessment for the CREP project and made it available for public comment on October 31, 2016. The NOA was published for three days with a 30-day public comment period. USDA-FSA did not receive any comments. A final Environmental Assessment and Finding of No Significant Impact (FONSI) were signed on December 6, 2016.

Department staff met with USDA staff on December 13, 2016 to develop guidelines and procedures for the CREP. USDA-FSA will amend the Agricultural Resource Conservation Program (2-CRP- Revision 5) - also known as the CRP handbook - to incorporate these new guidelines and procedures. Additional training with Department and USDA staff will take place in January 2017 with an expected program rollout soon after. After program rollout, the Department and USDA will coordinate promotion, mailing, workshops and other outreach efforts for the project.

At the time of this report, no funds or match for the OHF grant have been spent. The Department has spent \$14,500 on the final completion of the Environmental Assessment and \$104.58 for the Notice of Availability; however, these funds are used as state match for the CREP and not match for the OHF grant. Now that the program is soon to be announced, it is expected the OHF funds and match will be expended during the next reporting period. Furthermore, annual CREP reports or surveys have not been compiled; they will begin after the program is being fully administered. Copies of the NOA, EA and FONSI are available upon request from the Department.

Annual Status Report received **12/28/2017**. The report is posted on the Outdoor Heritage Fund website. The report states:

The North Dakota Game and Fish Department's (Department) Pheasant Habitat Initiative (NDPHI) is tied directly to the USDA Conservation Reserve Enhancement Program (CREP) and the Private Land Open To Sportsmen (PLOTS) program. On December 5, 2016, former Governor Jack Dalrymple signed an Agreement Between the U.S. Department of Agriculture Commodity Credit Corporation and the State of North Dakota, which allocated 20,000 acres of CREP to the North Dakota Riparian Project. The agreement was signed by USDA on January 18, 2017, but several delays resulted in the program not being fully implemented in 2017 as planned.

On January 24, 2017, the Department and USDA conducted a joint training for staff and partners to kick off the program. Throughout spring 2017, Department developed a website page (<https://gf.nd.gov/plots/landowner/crep>), fact sheets, generated news releases (<https://gf.nd.gov/index.php/news/1615>), ND OUTDOORS articles (<https://gf.nd.gov/magazine/2017/may/habitat-projects> and <https://www.youtube.com/watch?v=Qay2GEOm47o>), interviews with media (<http://www.myndnow.com/news/bismarck-news/land-conservation-to-develop-wildlife-habitats/698329670>), as well as other information presented to various groups and partners.

In May 2017, the Department and USDA signed the first two CREP contracts in Emmons County. The grass cover on these two contracts was planted in May 2017, (Figure 1) enrolled into the Department's PLOTS program (Figure 2) and were utilized by the public for walk in hunting in the fall of 2017 (Figure 3). Other producers submitted offers but as spring approached, drought conditions and emergency declarations took priority for USDA offices. The Department and USDA did not actively seek participants for the program during the summer of 2017. USDA staff, who are responsible for developing CREP contracts, were heavily involved with drought-related activities and producers were busy trying to deal with dry conditions. The Department promoted the program in November 2017 with over 5,000 postcards (Figure 4) mailed to producers and several radio ads airing over a five-day period in the project area. Since this time, there are new offers awaiting approval at USDA with several other inquiries. (Figures 1 - 4 are posted on the OHF website with the annual report.)

At the time of this report, \$4,671.00 of OHF funds have been spent and \$153,450.58 in matching funds has been spent by the Department. The high amount of matching funds is due to the two CREP contracts enrolling adjacent non-CREP acres into PLOTS and implementing additional habitat and public access payments on those acres. A total of 46.71 acres of CREP along with 265.0 acres of adjacent land have been enrolled in PLOTS for a total of 311.3 acres of public access for a period of 10 years. In addition to the OHF and matching funds from the Department, USDA provided \$1,922.00 in annual rental payments for the 46.71 acres of CREP.

**1/3/2018** - Contract has been amended to clarify payment schedule.

## **12/31/2018**

The North Dakota Pheasant Habitat Initiative is closely tied to the USDA Conservation Reserve Enhancement Program (CREP). The first quarter of 2018 was spent working on several programmatic issues with USDA program specifications. There was some information and outreach completed during this time period, but activity was light. Many of the programmatic issues had been worked through by the second quarter and the Department began to promote the program more. The following is a timeline of activities for the reporting period.

- December 2017 – Radio PSAs were completed by the North Dakota Game and Fish Department and aired on four radio stations in the project area for a 5-day period. PSAs aired six-nine times a day on these stations and were timed with the mailing of the postcards. iHeartMedia suggested these stations had the best potential to reach the target audience. Radio stations included KCAD-FM, KLTC-AM, KFYZ-AM and KBMR-AM.
- December 2017 – Private land biologist radio interview with KPOK-AM, Bowman, ND
- February 2018 – Two staff attended and sponsored a booth at the North Dakota Corn and Soybean Expo. This event drew in hundreds of producers from across the region. The Department provided handouts at the booth and took questions from interested producers. Approximately 12 producers expressed interest in CREP II at this event but unfortunately, most of them did not have land in the project area. Several producers commented on the need for more CRP for saline areas in the eastern portion of North Dakota.
- March 2018 – Two staff attended and sponsored a booth at the North Dakota Water Quality Conference. The goal was to promote CREP II and educate attendees about its role in water quality for North Dakota. Approximately 100+ attendees from various agencies and disciplines were represented, including state and federal agencies, soil conservation districts, extension agents, as well as teachers and students participating in River Watch water quality education programs.
- March 2018 – Two staff attended and provided a verbal update and handouts on CREP II to approximately 150 soil conservation district staff from around the state at the joint meeting of the North Dakota Conservation District Employees Association, North Dakota Forest Service and North Dakota Department of Health, Trees and Watersheds Workshop.
- April/May 2018 - Coordination with State FSA on the development of several 36.5" X 72.5" retractable banners to be displayed at county USDA service centers in the CREP II area. Banners to be used at landowner workshops, agricultural and sport shows, and other events to promote the program.
- A CREP promotional ad was placed in the May issue of North Dakota Outdoors. This is the official publication of the Department and it reaches approximately 75,000 people across the state.
- June 2018 - The Department generated a news release regarding the announcement of the USDA CRP signup as well as providing information about CREP II. The news releases reach approximately 75,000 people. Approximately 600 letters were mailed, as well as a post on ND Game and Fish Department's Facebook site. The workshop was well attended with over 41 landowners in attendance.
- August 2018 - Landowner workshop – Regent, ND. The workshop was held in conjunction with USDA-FSA and included a mailing to all landowners in the eligible CREP project area in Stark and Hettinger counties. Approximately 1,900 letters were mailed, as well as a post on ND Game and Fish Department's Facebook site. The workshop was well attended with over 75 in attendance.

- August 2018 – 62.65-acre CREP contract signed in Emmons County.
- August 2018 - USDA CRP Notice 849 provided dates for CREP offer processing deadlines. Deadlines for producers to sign up for CREP was August 17, 2018. September 7, 2018, for conservation plans to be returned to FSA from NRCS and September 28, 2018, for CRP-1 to be completed. This notice placed CREP on hold due to the expiring September 30, 2018 farm bill.
- Following the two landowner workshops, several producers indicated interest in the program, however, due to the August 17th deadline to sign up, many producers felt too pressured under the short time frame and elected to not sign up at that time. Many of those producers have expressed interest in signing up once CRP is authorized to reopen.
- September through November 30, 2018 (end of reporting period) – CREP program on hold due to lack of authority to reopen CRP in the farm bill.

### **12/31/2019**

The North Dakota Pheasant Habitat Initiative is tied directly to the USDA Conservation Reserve Enhancement Program (CREP). One of the major difficulties getting the NDPHI off the ground has been the closure of all USDA Farm Service Agency CRP programs, including CREP. The Farm Bill expired on September 30, 2018 and USDA Farm Service Agency was not authorized to enter into CRP contracts. The 2018 Farm Bill passed in December 2018; USDA held a limited CRP enrollment period (Signup 52) June 3 – August 23, 2019. The Department mailed nearly 6,000 letters to producers in the project area. Department Private Lands staff fielded over 200 phone calls during this time, however, the short signup period made it difficult for producers making final decisions and many opted to not sign up. 478.8 acres of CREP were enrolled during the signup. These acres, along with other adjacent acres, totaling 738.6 acres were enrolled in the Department's PLOTS program.

Additional details available in the full report, including:

- North Dakota CREP annual performance report.
- CREP annual assessment summary.
- Expenditure summary and matching funds documentation.

### **12/31/2020**

Payments totaling \$28,562.00 were made using OHF funds for six CREP agreements during this reporting period, these were OHF incentive payments made on 285.62 acres under a USDA CREP contract. Additional payments totaling \$28,535.38 were made using Game and Fish funds. These payments were for adjacent acreage (non-CREP) that was also planted to grass and enrolled into the Department's PLOTS program.

Compliance assessments were completed on 8 CREP contracts in 2020. Department personnel conduct these assessments in the fall of the year. Assessments include an overall evaluation of the project, presence/absence of planted species and species composition, presence of noxious or annual weeds, haying or grazing compliance and presence of boundary signs. All CREP contracts assessed were in full compliance.

### **3/2021**

A no-cost extension has been requested and granted.

### **12/2021**

Payments totaling \$13,432.25 were issued for six CREP agreements during this reporting period, These payments were issued using Game and Fish funds for 1,232.1 of adjacent acreage (non-CREP) that was

also planted to grass and enrolled into the Department's PLOTS program. No OHF funds were used during this reporting period due to program inactivity, lack of landowner workshops and outreach due to COVID restrictions. There are two CREP offers currently being reviewed.

Compliance assessments were completed on 8 CREP contracts in 2021. Department personnel conduct these assessments in the fall of the year. Assessments include an overall evaluation of the project, presence/absence of planted species and species composition, presence of noxious or annual weeds, haying or grazing compliance and presence of boundary signs. All CREP contracts assessed were in full compliance. A summary of CREP assessments is provided with this report.

North Dakota's CREP has suffered from many challenges and needed a thorough review by the partners. In March 2021, the Department received a two-year OHF grant extension. Shortly after receiving the extension, a small group of partners set out to identify some of the issues and challenges. The partners identified three areas; getting all of the partners on the same page, developing localized CREP teams and holding a refresher training for all those involved. Since this initial meeting, the group has developed a CREP signup activity checklist, a new fact sheet, a platform on Box to share progress of offers, hosted a webinar training, developed point of contacts for all staff and will begin working on outreach and promotional efforts next. We feel this will give the project some guidance and consistency across county USDA offices and expect renewed interest by producers.

Updated 1/14/2022