

**Part 517 Wildlife Habitat Incentives Program
Subpart J - MN Exhibits**

MN517.91 FISCAL YEAR 2009 MINNESOTA WILDLIFE HABITAT INCENTIVES PROGRAM (WHIP) PROGRAM PROVISIONS, CONSERVATION PRACTICE PAYMENT SCHEDULE AND REQUIREMENTS

PROGRAM PROVISIONS

Conservation Practice Payments are authorized for practices:

1. Implemented following the contents of the NRCS Field Office Technical Guide,
2. Implemented following general provisions, and specific provisions for each practice included in the payment schedule.
3. Where a positive environmental benefit from the benchmark condition can be documented. Payments are not authorized for, or on, existing, in place practices unless approved by the State Conservationist.
4. Land enrolled in EWP, CRP, or WRP **as well as Federal, State, county, or local government-owned lands** are not eligible for cost share.
5. Minimum individual applicant land ownership is 5 acres unless approved by the State Conservationist.
6. Applicant must provide evidence of ownership or control of the land for the contract duration.
7. The maximum NRCS payment rate is 75% of the typical practice cost, or otherwise specified by practice in the docket. **Payment rates may be higher for Historically Underserved Producers- HUP (Beginning, Limited Resource and Socially Disadvantaged farmers). WHIP payments made, either directly or indirectly, to a person or legal entity may not exceed \$50,000/ year.**
8. NRCS-CPA-052 Environmental Evaluation shall be completed for each contract.

GENERAL PROVISIONS

1. An applicant may choose to obtain technical assistance from NRCS or from a technical service provider. If an applicant chooses to use a technical service provider (TSP) with technical assistance dollars, the TSP must be registered in TECHREG and certified to provide technical assistance for the specific practice or plan.
2. Pesticides used as a component of any practice will be state approved for the use involved. These pesticides will also be applied according to registered uses, label directions, and other applicable federal or state regulations.
3. Soil testing - Any practice which includes the application of liming materials and/or commercial fertilizer shall be prescribed based on a soil test taken during the current year or the two preceding calendar years from a soil testing laboratory shown on the attached list. Application rates of lime and fertilizer shall be based on University of Minnesota recommendations, those from an adjoining state's Land Grant University, or those from the MN Department of Agriculture Soil Testing Certification Program.

4. Liming Materials - Lime refers to Agricultural Liming Material (ALM). All liming material must meet the label information required by Minnesota Statute Section 18C.545 and include: 1) ALM type and; 2) ALM quality rating (minimum pounds of effective neutralizing power (ENP) per ton). The University of Minnesota soil test reports provide ALM recommendations in pounds of ENP per acre.
5. NRCS Wetland Policy as found in the General Manual 190, Part 410 must be followed. This policy provides direction to the agency for compliance with the National Environmental Policy Act (NEPA). This policy prohibits NRCS from providing technical or financial assistance to producers that will adversely affect wetlands, unless the lost functions are fully mitigated.
6. The payment schedule amount will be limited to that required by the practice being installed. When additional or alternative work or material is performed or used at the landowner's request, any costs greater than that required for the practice will be borne by the producer.
7. Payment is not authorized where offsite or onsite impacts from the contributing watershed would prevent a practice from achieving its intended purpose with normal operation and maintenance during its intended lifespan.
8. Applicants wanting to perform practices on land they do not own, or to install practices that require permits are responsible for obtaining easements, permits, rights-of-way, water rights or other permission necessary to perform and maintain the practices. The permission from the authority must be in writing and a copy must be provided to the NRCS field office prior to payments being made on the practice.

CONSERVATION PRACTICE PAYMENT SCHEDULE AND PRACTICE PROVISIONS

The WHIP Conservation Practice Payment Schedule lists practices that have been authorized for payments under the Wildlife Habitat Incentives Program (WHIP) in Minnesota. The payment schedule is a complete listing of primary practices and payment rates. The narrative lists additional program provisions that must be followed.

NRCS Field Office Technical Guide conservation practices not listed in the schedule, and new practices may be added upon review and approval by the WHIP Program Manager **AND** State Conservationist. Written justification must be included in requesting a practice be added to the docket. This justification should include why the addition of the practice is required, including evidence that the practice has potential to address the resource concern, and identification of who will provide technical assistance in implementing the practice.

The MN State WHIP payment schedule lists primary practices authorized for conservation practice payments, the maximum payment rates and limits, and the program specific provisions for various practices. The NRCS state office will solicit changes from the local work groups to the NRCS program payment schedules, on an annual basis. All locally submitted recommendations or requested changes should be submitted with adequate documentation.

Conservation Practice Payment Methods:

1. Practice Payment Schedule:

Practice payments are authorized based on the typical cost of implementing a practice. The practice payment shall be the program cost share rate applied to the typical practice cost.

2. Incentive Payments:

WHIP funds may not be used for incentive payments. WHIP funds may, however, be combined with other, non USDA, funds. The total payment to the landowner must not exceed the total cost of implementing the practice.

Producers wanting to perform practices on land they do not own, or to install practices that require permits are responsible for obtaining the: easements, permits, right-of-way, water rights or other permission necessary to perform and maintain the practices. The permission from the authority must be in writing and a copy must be provided to the local office prior to payments are made on the practice.

SPECIFIC PRACTICE PROVISIONS

CRITICAL AREA PLANTING - 342

REQUIREMENTS:

1. Establishment clipping allowed up to 5 times during the first 24 months, shall be scheduled as Pest Management – 595.

	Unit	Method	Payment Rate \$	HUP
Seeding of slopes and spillway – Introduced grasses	Ac.	PR	\$132.52	\$159.02
Seeding of slopes and spillway – Native grasses	Ac.	PR	\$155.54	\$186.64
Lime	Ton	PR	\$21.91	\$26.29

EARLY SUCCESSIONAL HABITAT DEVELOPMENT AND MANAGEMENT - 647

REQUIREMENTS:

1. A detailed plan is required.

BRUSHLAND AND BROWSE MANAGEMENT: - To develop and maintain brushland and browse in transition and forest areas to benefit deer, moose, sharp-tail grouse, and other wildlife. To control encroachment of undesirable woody vegetation into existing grasslands (see also 388 prescribed burning). NOTE: this practice is not to be utilized as site preparation for permanent vegetative cover plantings.

WILDLIFE OPENINGS: - To construct new openings or maintain existing openings in forested areas to improve habitats for deer and other species which utilize openings. Cost includes site preparation, seed and seeding.

440 - Conservation Programs Manual

	Unit	Method	Payment Rate \$	HUP
Brushland and Browse Mgt.				
Mowing <u>1/</u> or Shearing	Ac.	PR	\$159.30	\$191.16
Wildlife Openings				
Mechanical – Trees less than 8" DBH	Ac.	PR	\$550.22	\$660.27
Mechanical – Trees 8" DBH or greater	Ac.	PR	\$654.42	\$785.30
Mechanical – Mowing	Ac.	PR	\$239.28	\$287.14
Lime	Ton	PR	\$21.91	\$26.29

1/ Large mowers > 140 horsepower, capable of mowing brush and softwood trees 4-6 inches in diameter.

FENCE - 382

REQUIREMENTS:

1. Cost share is eligible for existing livestock operations. Establishment of fencing is limited to permanent fences utilizing new materials, excluding property boundary and road fences.
2. Cost share is not authorized unless the purpose of the fence is documented as providing resource protection. Cost share amounts listed include all appurtenances.
3. Cost share is not authorized for removal of existing fence, clearing obstructions, providing powers sources, or removal of woody vegetation.
4. Cost share is not authorized when the primary purpose is of the fence is for keeping livestock off roads or marking property boundaries.
5. When fencing is a component of a prescribed grazing system, applicant must have a NRCS approved grazing plan.

	Unit	Method	Payment Rate \$	HUP
Perimeter barbed wire	Ft.	PR	\$0.89	\$1.07
Perimeter woven wire	Ft.	PR	\$1.49	\$1.79

FOREST SITE PREPARATION – 490

	Unit	Method	Payment Rate \$	HUP
Chemical – Existing cropland, grassland, sod, pasture	Ac.	PR	\$22.08	\$26.49
Chemical – Existing shrub/brush	Ac.	PR	\$52.22	\$62.66
Mechanical – Existing cropland, grassland, sod, pasture	Ac.	PR	\$18.94	\$22.73
Mechanical - Existing shrub/brush	Ac.	PR	\$136.44	\$163.72
Mechanical tree removal - Shelterbelts	Ac.	PR	\$1078.11	\$1293.73

FOREST STAND IMPROVEMENT - 666

REQUIREMENTS:

1. **Technical Responsibility is assigned to the MN/DNR Division of Forestry, or qualified planner.**
2. All improvements will be accomplished according to a detailed forest management plan.
3. Cost sharing is not authorized for pruning trees.

	Unit	Method	Payment Rate \$	HUP
Release	Ac.	PR	\$87.00	\$156.60
Thinning	Ac.	PR	\$89.00	\$160.20

MULCHING – 484

	Unit	Method	Payment Rate \$	HUP
Erosion control blanket with staples	Sq. Yd	PR	\$0.95	\$1.14
Grass hay/straw – Anchored with a disk	Sq. Yd.	PR	\$0.33	\$0.39
Tree fabric - Mat	Ea.	PR	\$1.68	\$2.02
Tree fabric - Roll	Ft. of Row	PR	\$0.35	\$0.42

PEST MANAGEMENT – 595

INVASIVE SPECIES CONTROL REQUIREMENTS:

Technical Responsibility is assigned to the MN/DNR Division of Forestry, or qualified planner.

1. All improvements will be accomplished according to a detailed forest management plan.
2. **Terrestrial invasive species control is eligible only where competition has become a significant threat to the regeneration of the native plant community.**
3. Practice may be cost shared only once on the same acres during contract life.

	Unit	Method	Payment Rate \$	HUP
Bud caps <u>1/</u> or Spray repellent <u>2/</u>	Ea.	PR	\$0.15	\$0.18
Tree shelter - >10 acres <u>3/</u>	Ea.	PR	\$1.52	\$4.34
Tree shelter - < 10 acres <u>3/</u>	Ea.	PR	\$3.62	\$4.34
Chemical weed control - Tree planting	Ac.	PR	\$21.52	\$25.83
Mechanical weed control – Tree planting between row	Ac.	PR	\$27.44	\$32.92
Mechanical weed control – Tree planting in row	Ft. of Row	PR	\$0.08	\$0.10
Mechanical weed control – Grass planting	Ac.	PR	\$10.54	\$12.64
Invasive Species Control - Woodland - Chemical	Ac.	PR	\$76.72	\$115.09
Invasive Species Control - Woodland – Chemical and Mechanical	Ac.	PR	\$113.52	\$170.29

1/ Cost share includes materials and annual installation costs for the first 48 months.

2/ Not to exceed 2 applications per year, performed during the first 48 months after planting as needed for establishment. The only eligible repellents are Plantskydd or Deer Away Big Game .

3/ Includes materials and installation.

POND - 378

REQUIREMENTS:

1. **Cost share is restricted to upland embankment type ponds, excavated ponds are not eligible for cost share. Projects involving the restoration or enhancement of former or existing wetlands shall be considered under practice 657 – Wetland Restoration.**
2. Applicants are responsible for securing all applicable permits prior to construction.
3. Livestock must be excluded from pond.

	Unit	Method	Payment Rate \$	HUP
Embankment – ADA 0–10.0 acres	Ea.	PR	\$2498.09	\$3747.13
Embankment – ADA 10.1-20.0 acres	Ea.	PR	\$4000.58	\$6000.87
Embankment – ADA >20.0 acres	Ea.	PR	\$7481.96	\$11222.94

PRESCRIBED BURNING - 338

REQUIREMENTS:

1. A burn plan describing the practice objective, species to control and species to be benefited, timing, weather conditions and management guidelines will be developed.
2. Technical assistance will be provided through technically qualified individuals.
3. All laws and regulations pertaining to burning will be followed.
4. **The conservation plan must document that the landowner has been notified in writing that they are subject to all liability due to damages caused by out of control fire.**
5. It is the landowner's responsibility to obtain all permits and notify surrounding landowners who may be affected.
6. Cost share is eligible up to three times for the same area for the life of the contract.
7. Associated costs with obtaining and notification of neighbors, units of government, and agencies is entirely the landowners expense.

	Unit	Method	Payment Rate \$	HUP
Prescribed Burn – Private vendor	Ac.	PR	\$56.25	\$67.50
Prescribed Burn – Landowner or govt. agency	Ac.	PR	\$45.00	\$54.00
Prescribed Burn – Openland special project area	Ac.	PR	\$22.50	\$27.00

RESTORATION AND MANAGEMENT OF DECLINING HABITATS - 643

REQUIREMENTS:

1. A detailed plan is required, in accordance with the specifications outline in the standard.
2. Tallgrass Prairie Restoration:
 - a. Eligible costs include seedbed preparation, seeding and seed.
 - b. Establishment weed control allowed up to 5 times during the first 24 months shall be scheduled as 595 - Pest Management.

3. Oak Savanna and Red/White Pine Restoration:

- a. Eligible costs include trees, shrubs and planting.
- b. Site preparation shall be scheduled as 490 – Forest Site Preparation
- c. Weed control allowed during the first 24 months after planting, shall be scheduled as 595 – Pest Management.
- d. Bud caps as needed, includes materials and annual installation costs for the first 48 months, shall be scheduled as 595 – Pest Management.
- e. Spray repellent as needed not to exceed 2 applications per year applied during the first 48 months after planting, shall be scheduled as 595 – Pest Management. The only eligible products are Plantskydd or Deer Away Big Game Repellent.
- f. Tree shelters as needed for hardwoods, shall be scheduled as 595 – Pest Management.

	Unit	Method	Payment Rate \$	HUP
Oak Savanna Restoration				
Oak savanna - trees	Ea.	PR	\$1.93	\$2.31
Red and White Pine Restoration				
Red and White Pine Establishment - Seedlings	Ea.	PR	\$0.38	\$0.45
Red and White Pine Establishment – Transplants	Ea.	PR	\$0.52	\$0.62
Tallgrass Prairie Restoration				
Tallgrass Prairie – Conventional into Grass	Ac.	PR	\$164.60	\$197.52
Tallgrass Prairie – Conventional into High Residue Crop or No Till Grass	Ac.	PR	\$133.05	\$159.65
Tallgrass Prairie – No Till into Soy Beans	Ac.	PR	\$127.52	\$153.02
Tree removal – Heavy <u>1/</u>	Ac.	PR	\$553.41	\$664.09
Tree removal – Light to Moderate <u>2/</u>	Ac.	PR	\$155.35	\$186.42
<u>3/</u> Tree Shelters – See Practice 595 – Pest Management				
Tree Fabric – See Practice 484 - Mulching				
Weed Control – See Practice 595 – Pest Management				
Site Preparation - See Practice 490 - Forest Site Preparation				
Bud caps or Spray repellent – See Practice 595 – Pest Management				

1/ This component is restricted to removal of existing established woodlots, shelterbelts and windbreaks.

2/ This component is restricted to removal of scattered encroaching trees/brush. Stumps greater than 4” shall be treated within 2 hours with recommended herbicide (with the exception of red cedar trees).

3/ Tree shelters only eligible on hardwoods.

STREAMBANK AND SHORELINE PROTECTION – 580

REQUIREMENTS:

- 1. Applicant is responsible for obtaining all applicable permits prior to construction activities.
- 2. The project shall be coordinated with MDNR – Fisheries.

	Unit	Method	Payment Rate \$	HUP
Biomaterials	Sq. Ft.	PR	\$1.20	\$1.43
Rock rip-rap	Sq. Ft.	PR	\$4.32	\$5.18
Stream barbs	Cu. Yd.	PR	\$47.69	\$57.23

STREAM HABITAT IMPROVEMENT AND MANAGEMENT – 395

PURPOSE: To improve or restore aquatic ecosystem functions and values within a stream corridor for one or both of the following purposes: to increase survival and/or production of desired fish including resident or anadromous fish, or increase diversity and/or abundance of fish in a stream ecosystem.

REQUIREMENTS:

1. **NRCS conservationist will consult with MDNR Area Fisheries Manager for a feasibility determination and preliminary plan prior to approval.**
2. Applicant is responsible for obtaining all applicable permits in advance of final contract approval and construction activities.
3. Cost share is for in -stream structure cost and installation only. Measures to control stream bank erosion shall be addressed by practice 580 – Stream bank and Shoreline Protection. Riparian herbaceous or woody plantings shall be addressed by practice 645 – Upland Wildlife Habitat Management.

	Unit	Method	Payment Rate \$	HUP
Lunker Structures - Set of 3	Ea.	PR	\$629.99	\$755.98
Woody Debris Dam – ¼ mile section	Ft.	PR	\$4.88	\$5.85

TREE/SHRUB ESTABLISHMENT - 612

REQUIREMENTS:

1. Cost share assistance is only available for establishing and restoring **mixed native hardwood and conifer species in historically forested landscapes.**
2. **Technical responsibility for this practice is assigned to the MN/DNR-Forestry.**
3. Mixed plantings **shall not be more than 550, or less than 300 stems per acre.**
4. Eligible costs include trees, shrubs, seed, and planting.
5. Site preparation shall be scheduled as 490 – Forest Site Preparation.
6. Weed control allowed during the first 24 months after planting, shall be scheduled as 595 – Pest Management.
7. Tree fabric is not eligible for cost share.
8. Bud caps as needed, includes materials and annual installation costs for the first 48 months, shall be scheduled as 595 – Pest Management.
9. Spray repellent as needed not to exceed 2 applications per year applied during the first 48 months after planting, shall be scheduled as 595 – Pest Management. The only eligible products are Plantskydd or Deer Away Big Game Repellent.

	Unit	Method	Payment Rate \$	HUP
Conifer - Seedlings	Ea.	PR	\$0.23	\$0.34
Conifer - Transplants	Ea.	PR	\$0.38	\$0.56
Direct Seeding	Ac.	PR	\$255.00	\$382.50
Hardwood Planting	Ea.	PR	\$0.29	\$0.43
Weed Control – See Practice 595 – Pest Management				
Site Preparation - See Practice 490 - Forest Site Preparation				
Bud caps or Spray repellent – See Practice 595 – Pest Management				

UPLAND WILDLIFE HABITAT MANAGEMENT - 645

REQUIREMENTS:

1. **Native tree/shrub plantings greater than or equal to 5.0 acres per contract will be planned and cost shared in accordance with practice standard Tree Planting - 612.**
2. For introduced grasses and legumes, a soil test during the year of seeding or the preceding two calendar years is required to determine the needs of commercial fertilizer and liming materials. The rate of application of commercial fertilizer and lime shall not be less than 75% of the recommended rate per acre of total available plant food. Small grain nurse crops must be left unharvested until August 1 of the establishment year to be eligible for cost share reimbursement.
3. Individual grass, tree and shrub plantings should be designed with a diverse mix of grass, trees and shrubs to restore natural plant communities or maximize wildlife benefits.
4. Practice will be protected from mowing, grazing and uncontrolled fire for the duration of the contract unless specifically identified in the management plan.
5. **Grasses, legumes and forbs:**
 - a. Eligible costs include seedbed preparation, seeding, seed and lime as appropriate.
 - b. Establishment weed control allowed up to 5 times during the first 24 months, shall be scheduled as 595 - Pest Management.
6. **Tree and shrub planting:**
 - a. Eligible costs include trees, shrubs, and planting.
 - b. Site preparation shall be scheduled as 490 – Forest Site Preparation
 - c. Weed control allowed during the first 24 months after planting, shall be scheduled as 595 – Pest Management.
 - d. Bud caps as needed, includes materials and annual installation costs for the first 48 months, shall be scheduled as 595 – Pest Management.
 - e. Spray repellent as needed not to exceed 2 applications per year applied during the first 48 months after planting, shall be scheduled as 595 – Pest Management. The only eligible products are Plantskydd or Deer Away Big Game Repellent.
 - f. Tree shelters as needed shall be scheduled as 595 – Pest Management.
 - g. Tree fabric as needed shall be scheduled as 484 – Mulching.

				HUP
	Unit	Method	Payment Rate \$	
Permanent Vegetative Cover- grasses, legumes, forbs.				
Introduced grasses and legumes	Ac.	PR	\$50.07	\$60.08
Lime	Ton	PR	\$21.91	\$26.29
Native grass and forb – Conventional into Grass	Ac.	PR	\$142.00	\$170.40
Native grass and forb – Conventional into High Residue Crop or No till - Grass	Ac.	PR	\$122.24	\$146.69
Switchgrass	Ac.	PR	\$84.58	\$101.49
Native grass and forb – No Till into Soybeans	Ac.	PR	\$98.04	\$117.65
Permanent Vegetative Cover - Trees & Shrubs				
Direct seeding	Ac.	PR	\$382.50	\$459.00
Tree and shrub planting - Transplants	Ea.	PR	\$1.30	\$1.56
Tree and shrub planting - Seedlings	Ea.	PR	\$0.61	\$0.74
Tree Fabric – See Practice 484 - Mulching				
Tree Shelters – See Practice 595 – Pest Management				
Weed Control – See Practice 595 – Pest Management				
Site Preparation - See Practice 490 - Forest Site Preparation				
Bud caps or Spray repellent – See Practice 595 – Pest Management				

WETLAND RESTORATION - 657

REQUIREMENTS:

1. The producer is responsible for obtaining easements, rights of way, local, state and federal permits and other permission necessary to perform and maintain the practice. Contract will not be approved until proof of necessary permits has been provided.
2. **NOTE:** Wetland enhancement (type conversion) applications shall be reviewed in consultation with the DNR Area Wildlife Manager and FWS local private lands coordinator as appropriate, to determine whether significant wetland functions will be adversely effected. Where inter-agency concurrence is secured, the application shall be considered eligible. Where inter-agency concurrence is not reached locally, the application shall be submitted to the NRCS State Conservationist for a final eligibility determination.
3. The restored area shall not be used to produce agricultural commodities or for irrigation water purposes.
4. Seeding of embankments, ditch plugs, spoil etc. shall be scheduled with practice 342 – Critical Area Planting.

	Unit	Method	Payment Rate \$	HUP
Scrapes	Ac.	PR	\$4500.00	\$5400.00
Tile break	Ea.	PR	\$375.00	\$450.00
Ditch plug	Ea.	PR	\$375.00	\$450.00
Embankment	Cy.	PR	\$4.50	\$5.40
Water control structure	Ea.	PR	\$1875.00	\$2250.00

WINDBREAK/SHELTERBELT - 380

REQUIREMENTS:

1. Farmstead shelterbelts shall be a minimum of 10 rows. See Biology Technical Note #MN-4 for wildlife considerations.
2. Tree and shrub planting:
 - a. Eligible costs include trees, shrubs, planting, and grass establishment.
 - b. Site preparation shall be scheduled as 490 – Forest Site Preparation
 - c. Weed control allowed during the first 24 months after planting, shall be scheduled as 595 – Pest Management.
 - d. Bud caps as needed, includes materials and annual installation costs for the first 48 months, shall be scheduled as 595 – Pest Management
 - e. Spray repellent as needed not to exceed 2 applications per year applied during the first 48 months after planting, shall be scheduled as 595 – Pest Management. The only eligible products are Plantskydd or Deer Away Big Game Repellent.
 - f. Tree shelters as needed shall be scheduled as 595 – Pest Management.
 - g. Tree fabric as needed shall be scheduled as 484 – Mulching.

	Unit	Method	Payment Rate \$	HUP
Farmstead shelterbelt	Ft. of Row	PR	\$0.36	\$0.43
Tree Fabric – See Practice 484 - Mulching				
Tree Shelters – See Practice 595 – Pest Management				
Weed Control – See Practice 595 – Pest Management				
Site Preparation - See Practice 490 - Forest Site Preparation				
Bud caps or Spray repellent – See Practice 595 – Pest Management				