

## WILDLIFE HABITAT INCENTIVES PROGRAM. AN EXAMPLE OF EFFICIENT ENVIRONMENTAL PROTECTION

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**Abstract:** *Wildlife protection is a priority for many governments around the world. Romania is offering habitat for some endangered and unique wildlife species in Europe and in the world. Politicians, government, civil society and NGOs' representatives have to join forces in order to save and conserve wildlife species in spite of Romania's financial difficulties. Wildlife Habitat Incentives Program is an example of a small environmental protection program under the United States Ministry of Agriculture that could serve as an example of good practice for Romanian authorities. This article explains how Wildlife Habitat Incentives Program works and how successful it is in saving the habitat of different endangered wildlife species in the United States.*

**Keywords:** *environment, wildlife protection, wildlife habitat, environmental protection.*

### 1. INTRODUCTION

“Fifty percent of the United States, 907 million acres, is cropland, pastureland, and rangeland owned and managed by farmers and ranchers and their families.” (USDA, p.7) The management of this vast amount of the nation's land affects more than the prosperity of the nation's agricultural sector. It also has an impact on wildlife populations because “land use is the principal factor affecting [wildlife] habitat” (USDA, p.53).

There are an estimated 100,000 native species of wildlife in the United States. Some of these species have thrived on or near agricultural lands. Others have not fared as well. Agriculture has been identified as a contributing factor for endangering or threatening forty-two percent of the 631 plant and animal species listed as endangered or threatened in the United States in 1998. Agriculture, along with other human activities that alter natural landscapes, has also played a role in the decline in biodiversity in North America. For example, the monarch butterfly, “an indicator species reflective of the general threat to biodiversity,” faces habitat losses that include those resulting from the use of pesticides on and near the milkweed plants that are essential for its nourishment and reproduction (CEC, 2002).

Just as agriculture can adversely affect wildlife, some wildlife species can harm agriculture. Cormorants, for example, have caused substantial financial losses for aquaculture operations in the South and elsewhere because of their growing population and appetite for farm-raised fish. Nevertheless, many wildlife species and agriculture can coexist, and the presence of wildlife on our nation's farms and ranches can provide economic and non-economic benefits to farmers and ranchers (Bennett, 2002).

For most of its history, the United States Department of Agriculture (USDA) has not administered programs designed to improve wildlife habitat on agricultural lands. Instead of focusing on wildlife populations, the USDA conservation programs have been directed primarily at conserving soil and water and improving water quality. The oldest of these programs, the Agricultural Conservation Program (ACP), began in 1936. The ACP provided cost-share funds and technical assistance to farmers who carried out approved conservation and environmental protection practices on agricultural land and farmsteads. The Environmental Quality Incentive Program (EQIP) replaced ACP in 1996.

The ACP was followed by other conservation initiatives. In 1985, Congress authorized the Conservation Reserve Program and enacted commodity program provisions designed to conserve highly erodible lands and wetlands, respectively known as the “sodbuster” and “swamp- buster” provisions. Although these programs affect wildlife habitat, their stated purposes either omit wildlife habitat protection as a goal or couple wildlife habitat protection with other desired ends. The swamp buster provisions and the subsequently created Wetland Reserve Program, for example, coupled wildlife habitat protection with water purification as program goals.

The only program under the USDA’s jurisdiction that specifically and primarily addresses wildlife habitat conservation is the Wildlife Habitat Incentives Program (WHIP). This program, which is administered by the USDA’s Natural Resources Conservation Service (NRCS), provides cost-sharing assistance to land owners for developing habitat for upland and wetland wildlife, threatened and endangered species, fish, and other types of wildlife.

## **2. WILDLIFE HABITAT INCENTIVES PROGRAM**

The Wildlife Habitat Incentives Program (WHIP) was created in 1996 with the enactment of the U. S. Federal Agriculture Improvement and Reform Act of 1996 (FAIR Act). The FAIR Act directed the Secretary to establish the WHIP under the supervision of the NRCS. Congress also provided that the Secretary was to use WHIP to “make cost-share payments to landowners to develop upland wildlife, wetland wildlife, threatened and endangered species, fish, and other types of wildlife habitat approved by the Secretary.” The authorized funding of \$50 million for fiscal years 1996 through 2002 was drawn from funds that previously had been authorized for the Conservation Reserve Program.

The NRCS published final rules implementing the WHIP on September 19, 1997. These rules are now codified at 7 C.F.R. Part 636 of the United States Code.

Following the promulgation of the final WHIP rules, WHIP funds were allocated among the states based on plans developed by the NRCS State Conservationists in consultation with their respective State Technical Committees. Special consideration was given to locally led initiatives with substantial outside funding and partnership participation. Of the available \$50 million, \$30 million was distributed in 1998 for 4,600 projects affecting 672,000 acres and \$20 million in 1999 for 3,855 projects on 721,249 acres. WHIP projects averaged 146 and 187 acres in size in 1998 and 1999, respectively, and \$4,600 in cost- share expenditures.

### **General WHIP requirements**

The WHIP regulations generally provide that potential participants who own or control eligible land and who are willing to join the program must prepare and apply in practice a wildlife habitat development plan. The NRCS will evaluate the plan and its wildlife benefits. If the plan is viable, the NRCS will provide participants with the technical and financial assistance they need to efficiently implement the practices that will enhance wildlife habitat development on their land. In addition, if the landowner agrees, state wildlife agencies and non-profit or private organizations may provide expertise or extra funding to help complete a project or improve its performance.

More specifically, WHIP participants must do the following:

1. Establish and comply with a Wildlife Habitat;
2. Enter into a cost-share agreement with the NRCS;
3. Provide the NRCS with evidence of ownership or legal control over the land to be enrolled in the program for the enrolment period, unless an exception is made by the NRCS Chief;
4. Provide the NRCS with information necessary to assess the project and its future benefits; and
5. Allow NRCS representatives access to the land for periodic monitoring of the implementation of the Wildlife Habitat Development Plan (WHDP).

### **Eligible land**

In general, all lands can be enrolled in the WHIP except: federal land; land currently enrolled in other U.S. conservation program such as the Conservation Reserve Program, the Wetlands Reserve Program, or the Water Bank Program where wildlife habitat objectives have been sufficiently met; land subject to an Emergency Watershed Protection Program floodplain easement; and land where the NRCS determines that a conservation plan will not be successful as a result of on-site and off-site conditions or that a conservation plan will adversely affect threatened and endangered species.

WHIP funds are intended to enhance wildlife habitat on private lands. Never the less, an NRCS State Conservationist, in collaboration with the State Technical Committee, can enrol other lands. Non-federal public lands can be enrolled when significant wildlife habitat gains can be achieved only by installing practices on them. For instance, an aquatic habitat restoration project could involve the enrolment of state lands if the state owned the affected stream or the lake bottom. Federal land, however, can be enrolled only when its enrolment is necessary to achieve wildlife benefits on private land. Tribal lands, even if they are federal trust lands, are eligible for enrolment in the WHIP.

### **Priority for enrolment**

Because WHIP funds are limited, not all eligible lands can be enrolled in the WHIP. NRCS State Conservationists, in collaboration with their respective State Technical Committees, may restrict enrolments to specific geographic areas or target only certain habitats and species of wildlife.

In general, however, priorities for enrolment are established according to the following criteria: contribution to resolving an identified habitat problem of national, regional, or state importance; relationship to any established wildlife or conservation

priority areas; duration of benefits to be obtained from the habitat development practices; self-sustaining nature of the habitat development practices; availability of other partnership matching funds or reduced funding request by the person applying for participation; estimated costs of wildlife habitat development activities; and other factors determined appropriate by NRCS to meet the objectives of the program.

Some or all of these criteria will be taken into account when determining whether land will be enrolled. If these criteria are not sufficiently met, the State Conservationist, in consultation with the State Technical Committee, may deny an application. NRCS representatives are granted this power to allow them to deny cost-share funds to projects that are technically eligible but do not meet the wildlife goals of WHIP.

#### **The Wildlife Habitat Development Plan (WHDP)**

The Wildlife Habitat Development Plan (WHDP) is a central part of the cost-share agreement between the participating landowner and the NRCS. The WHDP is developed by the participant with the assistance of the NRCS or other public or private natural resource professionals. The plan must describe the landowner's wildlife habitat goals and include a list of practices to be used to meet these goals. A schedule for implementing the specified practices is also required. The participant must explain in detail how wildlife benefits will be achieved and secured during the life of the cost-share agreement. The plan can be only a part of a larger conservation plan or an independent one. The NRCS has the power to approve the modification of the initial plan if the modification is acceptable to the parties and will achieve the desired goals.

#### **The cost-share agreement**

If the WHDP is approved, the prospective participant is eligible to enter into a cost-share agreement with the NRCS. This agreement stipulates the rights and obligations of the parties.

The duration of the agreement can vary between five to ten years. The term can be less than five years if the NRCS Chief determines that "wildlife habitat is threatened as a result of a disaster and emergency measures are necessary to address the potential for dramatic declines in one or more wildlife populations."

The agreement must incorporate the approved WHDP. In addition, the agreement must contain the requirements for operating and maintaining the wildlife habitat as provided in the plan.

The initial agreement can be modified with NRCS approval as long as WHIP objectives are met and the parties agree. The agreement can also be modified to reflect a change in the ownership or operation of the land if the new owner or operator agrees to assume the responsibilities borne by the owner or operator under the agreement.

#### **Cost-share payments**

The NRCS may provide up to 75% of the costs incurred by the participant when implementing the conservation plan. This percentage can be reduced if another federal agency is providing direct assistance to the project, except if the State Conservationist determines that an increase is merited to achieve the goals of the WHIP.

Cost-share payments may be used to establish new practices or additional practices. They may also be used to maintain existing practices or replace earlier ones if the

NRCS determines that they are needed to meet WHIP objectives or that the original practice failed to improve wildlife habitat for reasons beyond the participant's control.

Payments are made after the practice has been installed according to the specifications in the WHDP. The State Conservationist or State Technical Committee specialists will inspect the land and assess the practices. WHIP cost-share payments may be assigned.

#### **WHIP area restrictions and agreement termination**

After enrolling in the program, participants still retain control over their land. The NRCS, however, can restrict the use of certain practices or activities in the WHIP area. These restrictions can include deferring haying until after nesting season is over, limiting grazing at certain times of the year to provide brood cover, excluding livestock to allow woody planting to develop, and prohibiting burning in areas close to inhabited areas.

A cost-share agreement can be terminated by the mutual consent of the parties in three specific situations: the parties are unable to comply with the terms of the agreement as a result of conditions beyond their control; parties will suffer serious hardship if they continue to comply with the contractual terms; or termination of the agreement is in the public interest, as determined by the State Conservationist.

In these situations, the State Conservationist can allow the participant to keep all cost-share payments previously received in an amount proportionate to the participant's efforts toward complying with the agreement.

#### **Violations and sanctions**

Even though program participation is voluntary, participants have to comply with the cost-share agreement once they are parties to it. Non-complying participants face sanctions meant to ensure that participants abide by the agreement.

When the NRCS discovers a violation, it will notify the participant and give the participant an opportunity to correct the violation within thirty days of the date of the notice. Additional time will be provided at the discretion of the NRCS.

The sanction for non-compliance with the notice is the refund of all or part of any assistance received by the participant, plus interest and the forfeiture of all rights for future payments. The same sanction applies if the participant misrepresents facts affecting program determinations.

### **3. WILDLIFE HABITAT INCENTIVES PROGRAM SUCCESSES**

To date, the WHIP has been focused on three main types of habitat: upland wildlife habitat, wetland wildlife habitat, and riparian and in-stream aquatic habitat. These different habitats have required different practices.

Upland wildlife habitat, especially grasslands, has required various types of seeding and planting, fencing, livestock management, prescribed burning, and shrub thickets with shelterbelts. Practices on forest lands have included creating forest openings, different types of disking and mowing, woody cover control, aspen stand regeneration, and the exclusion of feral animals.

The protection of wetland habitat has included the installation of culverts or other water control structures, fencing, moist soil unit management, invasive plant control, and the creation of green- tree reservoirs and shallow water areas.

Riparian and in-stream habitat protection was needed mainly in the southeastern United States and required tree plantings, seeding, fencing, in-stream structures, stream bank stabilization and protection, stream deflectors, alternative watering facilities, the creation of small pools and fish passages, installation of buffers, the removal of dams, and the establishment of in-stream structures such as logs or rocks.

These different activities are ultimately interrelated with respect to ecosystem improvement. “For instance, proposed work on a native plant communities in longleaf pine ecosystem also was recorded as applying to economically important and threatened and endangered species (e.g., northern bobwhite quail and red-cockaded wood-pecker, respectively)” (Hackett, 2000).

Although NRCS offices have adopted different approaches in their WHIP plans based on the unique needs of their area’s wildlife habitats, some interstate cooperation has occurred. One example is Connecticut River watershed restoration project. This project used WHIP funds to restore and protect the riparian ecosystem of Connecticut River in four states: Connecticut, Massachusetts, New Hampshire, and Vermont. A unique, multistate cooperative agreement, the Connecticut River Conservation District Coalition (CRCDC), was formed as part of the WHIP operative plan. The main sources of financial assistance and technical expertise to participating landowners were the NRCS and United States Department of Interior’s Silvio O. Conte Fish and Wildlife Refuge. Enthusiastic watershed landowners and private groups became involved by submitting projects in all four states for which the costs and benefits of the riparian habitat restoration would be shared.

The WHIP has provided cost-sharing for eight different ecosystems. Significant riparian forestland projects were implemented along the Ashuelot River in New Hampshire and the West River in Vermont. Significant grassland projects have been started in Amherst, Massachusetts, and Northwest Park, Connecticut. These ecosystems were identified as having high environmental potential, serving as food, cover, and nesting sites for many migratory birds and mammals and sheltering different species of native trees, shrubs, and grasses adjacent to a body of water (USDA, 2012).

In Kentucky, the WHIP was used to restore and protect grasslands and wetlands habitat for bobwhite quail, eastern cottontail rabbit, eastern kingbird, loggerhead shrike, prairie warbler, grasshopper sparrow, and many more. The program generated outstanding interest from over 750 landowners across the state. Habitat was improved on over 13,300 acres, mainly native grassland/ prairie. In addition, a special partnership was established between the NRCS and the Kentucky Department of Fish and Wildlife Resources, intended to further develop WHIP plans and assist its applicants. One of the partnership’s goals is to ensure that wildlife benefits will be part of planning for all USDA conservation programs in Kentucky (USDA, 2001).

In Iowa, WHIP plans were designed to support shelterbelts, riparian corridors, and grassland restoration and development. The main focus was on rebuilding habitat for the prairie chicken and on enhancing natural trout reproduction in twenty-five streams

around the state. Both projects have had good results and have opened the way to other initiatives concerning wildlife protection (USDA, 1999).

WHIP funding was also used in the Souadabscook Stream Restoration Project in Maine, which involved the removal of a small, out-service-dam to restore the Atlantic salmon and trout habitat and the scenic beauty of the landscape (USDA, 2001). In Washington State, a Walla Walla River conservation project was initiated under the WHIP. After 700 hours of volunteer work, buffers were installed and the banks of the river were planted with a mix of trees and shrubs that in time will shade the river and help maintain a constant low water temperature. The result will be highly beneficial for bull trout proliferation and for the endangered steelhead migration (USDA, 2001).

Successes such as these are largely attributable to the well-defined WHIP goal of improving wildlife habitat in a manner that allows for flexibility and avoids administrative complexity. The WHIP has also benefitted from sustained cooperation and coordination between the NRSC and other governmental agencies, conservation districts, non-governmental organizations, environmental and wildlife associations and other private entities, and WHIP participants. Because participation in the WHIP is voluntary, participants are generally receptive to the advice and assistance provided by experienced specialists in biology, zoology, conservation, and environmental protection in the formulation of project plans. Also, the use of priorities in selecting projects for cost-share assistance and the option of adjusting the amount of payments based on specific needs and higher potential benefits contribute to the success of the WHIP.

If there is a shortcoming in the WHIP, it is its limited funding. United States Congress authorized only \$50 million for the WHIP for fiscal years 1996 through 2002. These funds were spent in two years, 1998 and 1999. As a result, many landowners who wanted to participate did not have the opportunity to do so. Oklahoma, for example, was one of the five states in the country with 428 WHIP applicants. Yet, only seventy-four were funded as a consequence of lack of financing.

Many interest groups, including those advocating for the interests of farmers, have lobbied Congress for increases in WHIP funding. The National Com Growers Association, National Association of State Departments of Agriculture, International Association of Fish and Wildlife Agencies, National Association of Conservation Districts, Wildlife Management Institute, and Ducks Unlimited have urged Congress to increase WHIP funding.

The International Association for Fish and Wildlife Agencies, for example, has urged that WHIP funding should be authorized at \$100 million annually. It has pointed out that substantial financial resources were generated for the program by the close partnerships between NRCS and non-governmental organizations.

Whether the United States Congress will respond to these requests in the new farm bill is currently uncertain. The Senate version of the 2002 farm bill authorizes WHIP funding at \$225 million in fiscal year 2003; \$275 million in fiscal year 2004; \$325 million in fiscal year 2005; \$355 million in fiscal year 2006; and \$50 million in fiscal year 2007. The House bill authorizes lower funding for the program than the Senate bill, extended over a ten-year period. Specifically, it provides for funding levels of \$30 million in fiscal years 2003 and 2004; \$ 35 million in fiscal years 2005 and 2006; \$40

million in fiscal year 2007; \$45 million in fiscal years 2008 and 2009; and \$50 million in fiscal years 2010 and 2011 (Zinn, 2002).

Wildlife Habitat Incentives Program holds considerable promise, but adequate funding will be necessary for its potential to be realized. For those who are interested in preserving biodiversity, the WHIP represents an important new policy initiative. Romanian authorities should take note of this very articulate environmental program and use it as a model for our own environmental protection legislation.

## CONCLUSION

Wildlife conservancy is the shortest and most direct way to preserve and protect biodiversity as the basis of Earth's life support system. It is crucial to realize that biodiversity is the key to our existence and survival on this planet. In other words, by protecting wildlife population we implicitly protect biodiversity. From this perspective, life equation looks simple: the more variety in genes we have, the more resources we hold, and the more chances of survival we stand. This is particularly true today, when agriculture is increasingly becoming monocultural, limiting the pool of genes that are present in crops and livestock and thus, dangerously minimizing the safety of our food supply.

Under these circumstances, it is clear that by preserving fauna and flora we indirectly protect ourselves. This is the reason why, environmental conservancy passes beyond borders, beyond political and economic debates, and ends up as being a genuine moral and social duty that we all humans bear.

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