

NORTH DAKOTA GAME AND FISH DEPARTMENT

Interim Report  
Wetland Restoration Loss of Production Payments (LPP) to Restore Critical Habitat for Species of  
Conservation Priority in North Dakota  
Project T2-9-D

August 1, 2010 – December 31, 2014

Terry Steinwand  
Director

Submitted by Greg Link  
Chief, Conservation and Communications Division  
Bismarck, ND

December 2014

## Final Progress Report

# **Wetland Restoration Loss of Production Payments to Restore Critical Habitat for Species of Conservation Priority in North Dakota**

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SWG Project T2-9-R-1

August 17, 2010 to December 31, 2014

Terry Allbee  
North Dakota Natural Resources Trust  
March 2015

*Wetland Restoration Loss of Production Payments to Restore Critical Habitat for Species of  
Conservation Priority in North Dakota*

The primary objective of this project was to restore 250 acres of wetland habitat on private lands in North Dakota. The completion of the objective produced new habitat for wildlife species listed as Species of Conservation Priority. North Dakota's grassland and wetland habitat are important to many Species of Conservation Priority. Wetlands in North Dakota are continually being degraded via sedimentation and direct drainage. The

decrease in wetland abundance and loss of adjacent native vegetation has resulted in declines in biodiversity and listing of species in conservation priority levels 1, 2, and 3 in North Dakota's SWAP. The Loss of Production Payments (LPP) increased habitat quantity and quality therefore providing additional habitat for resident and migratory species, including species of conservation priority. The Trust partnered with the U.S. Fish and Wildlife Service's Partners for Fish and Wildlife Program to promote and identify the highest priority wetland habitat. The landowners willing to restore wetlands in North Dakota were offered a Loss of Production Payment to off-set the revenue lost from the agricultural production.

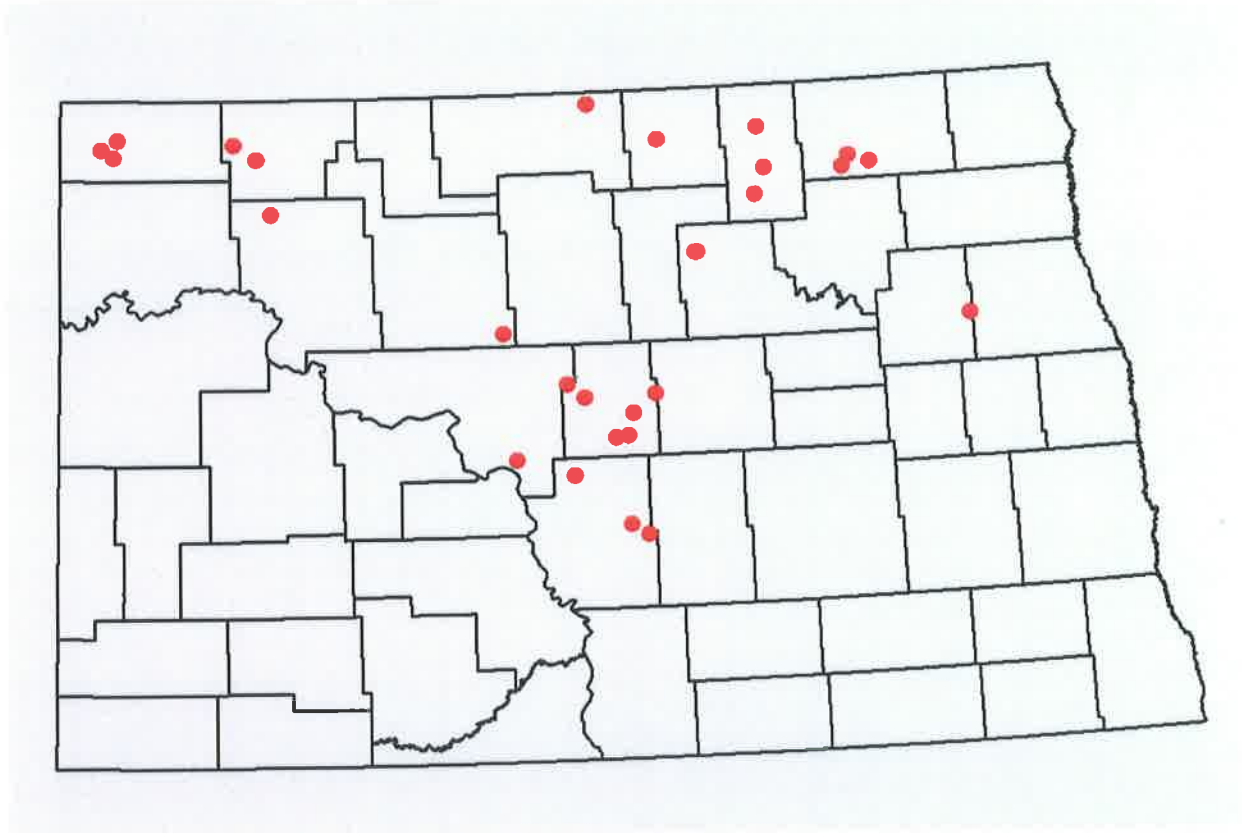
The Trust started the promotion and delivery of the Wetland Restoration Loss of Production Payments to Restore Critical Habitat for Species of Conservation Priority in North Dakota with a grant in 2010. The Trust visited with conservation partners on the implementation of the Loss of Production Program. The U.S. Fish and Wildlife Service (USFWS) is the primary partner in this project. The program required the landowners to enter into a Wildlife Extension Agreement (WEA) to restore wetlands on private lands. The WEA pays for the construction to restore wetlands. The Loss of Production Payment is then made to the landowner to off-set the cost of lost existing agricultural gains on the wetland surface acres that are being restored. Payments are based on a calculation of cash rents published by National Statics Service and equal approximately 40% of the agricultural cash rent value for the wetland acres restored. The contract length ranges from 10 to 30 years with a payment based upon surface acres and contract length. Once the wetland restoration was completed, the loss of production payment was made to the cooperating landowner.

Landowners traditionally make certain land management decisions based on their management goals for their property. The Trust and partners fielded calls throughout the no growing season from landowner interested in the Loss of Production Payment and answered questions concerning terms of agreement and compensation.

The majority of the construction was completed in late fall of each calendar year. This was a result of availability of contractor's capable of completing the work and suitable work conditions. During the timeframe of this grant, North Dakota experienced wetter than normal conditions, which required a fall dry up to complete the work. In addition, many of the wetland restorations were completed in cropland. Work could not be completed on these acres until the crop was harvested. The delay in weather and late crop harvest pushed many of the construction activity back until early winter and, in many cases, would not allow for the work to be done. After several extensions of the original agreement the grant achieved and exceeded the acreage goals.

This grant has been a successful partnership between federal, state, non-government, and landowners. The grant demonstrated that providing a layering of program concept with sufficient landowner compensation can be a very successful

approach. The delivery mechanism learned from this grant will help program with wetland restoration a template for success. In fact, the Trust submitted and was approved for a similar water storage piggyback grant through the North Dakota Industrial Commission's Outdoor Heritage Fund grant program in 2014. This grant would not have been possible if not for what was learned through this partnership on the State Wildlife Grants program and the delivery of the Loss of Production Payment concept.



The above map shows the locations of all the Loss of Production agreements in the state. The Trust entered into 28 separate agreements with landowners in 13 different counties. The agreements restored 136 wetlands for 277.50 acres.

**NDNRT LOSS OF PRODUCTION PAYMENTS STATUS**

12/22/2014

WEA No.	Wildlife Cooperator	PFW Initiator	Project Status	No. of Sites	No. of Acres	NRT LPP	LPP Pending	NRT Funds Remaining	NRT PAID	NRT DATE PAID
<b>SUMMARY</b>										
				136.0	277.5	127,570.0	\$0.00	\$12,644	\$127,550.00	
62620-10-024	Olson, Ross	Duchscherer	COMPLETED	5	45.5	\$21,840			\$21,840.00	12/31/2010
62830-10-026	Soule, Tom	Collins	COMPLETED	9	7.2	\$2,160			\$2,160.00	12/30/2011
62580-10-028	Becker, Robert	Fisher	COMPLETED	9	5.5	\$3,300			\$3,300.00	3/30/2012
62573-10-011	Olson, Jim	Graue	COMPLETED	4	5.4	\$756			\$756.00	8/31/2012
62580-10-027	Cheatley, Mark	Fisher	COMPLETED	1	3.0	\$1,800			\$1,800.00	12/31/2010
62540-10-020	Miller, Don	Klindtworth	COMPLETED	11	8.0	\$4,320			\$4,320.00	2/29/2012
62580-11-014	Tony Wixo	Schoenfelder	COMPLETED	5	86.8	\$39,360			\$39,360.00	11/30/2011
62560-11-002	Stern, Virginia	Ellingson	COMPLETED	1	5.9	\$2,124			\$2,124.00	12/30/2011
62540-11-002	Lorenz, Kevin	Klindtworth	COMPLETED	6	5.7	\$2,394			\$2,394.00	8/31/2012
62573-10-013	Dihle, Donald	Graue	COMPLETED	1	0.7	\$252			\$252.00	9/30/2012
62540-10-013	Konschak, Blair	Klindtworth	COMPLETED	4	2.1	\$882			\$882.00	11/30/2012
62540-11-001	Maier/Bott Trust	Klindtworth	COMPLETED	3	2.7	\$1,218			\$1,198.00	11/30/2012
62540-10-012	Scheer, Fred	Klindtworth	COMPLETED	1	7.8	\$3,276			\$3,276.00	11/30/2012
62540-10-015	Scheffer, Rich	Klindtworth	COMPLETED	12	4.1	\$1,722			\$1,722.00	11/30/2012
62560-11-005	Larson, Marvin & Paul	Ellingson	COMPLETED	5	7.3	\$2,628			\$2,628.00	9/30/2012 &
62560-10-003	Sweet, Janess	Ellingson	COMPLETED	1	0.4	\$144			\$144.00	10/22/2012
62580-12-001	VOLLRATH, ROB	Graue	COMPLETED	11	5.3	\$1,872			\$1,872.00	10/19/2012
62830-12-003	Schock, Rick	Collins	COMPLETED	2	10.6	\$1,060			\$1,060.00	9/30/2012
62620-12-008	Casavant, Stanley	Duchscherer	COMPLETED	1	5.3	\$2,742			\$2,742.00	9/13/2012
62540-13-011	Erickson, Catherine		COMPLETED	3	13.2	\$7,920			\$7,920.00	12/31/2013
	Washburn Park District	DU	COMPLETED	3	16.7	\$12,024			\$12,024	10/31/2013
62580-11-012	Krischuk, John	Graue	COMPLETED	2	1.5	\$720			\$720.00	11/25/2013
62540-13-005	Maier/Bott Trust	Klindtworth	COMPLETED	1	0.4	\$192			\$192.00	1/31/2014
62560-13-010	Helseth, Roger	Ellingson	COMPLETED	1	0.6	\$48			\$48.00	2/10/2014
62580-10-011	Wells, John	Graue	COMPLETED	18	10.2	\$4,104			\$4,104.00	10/31/2014
62580-14-004	Overby, Richard	Graue	COMPLETED	12	12.0	\$7,200			\$7,200.00	11/26/2014
62580-11-002	Peterson, Dave	Graue	COMPLETED	1	0.2	\$84			\$84.00	12/31/2014
62580-11-001	Peterson, Ken	Graue	COMPLETED	3	3.4	\$1,428			\$1,428.00	12/31/2014
* NDNRT added \$10,000 7/25/2012										
* NDNRT added \$2,597 8/24/2012										
*SWG added \$12,597 8/24/2012										
SWG									\$72,597	
NDNRT									\$67,597	
subtotal									\$140,194	
NDNRT (in-kind)									\$5,000	
Total									\$145,194	

# North Dakota Natural Resources Trust Loss Production Payment (LPP) Management Agreement


Name: Dave Peterson	County: Benson
Address: 2837 Colorado St.	Phone:
City, State, ZIP: Longview, WA 98632	
Cooperating Agreement: 62580-11-002	County Rate: \$35

### Wetlands Restoration Calculation and Record

Legal Description	Contract Length	Restored Wetland Acres	Total
T155N, R71W, Sec 13 W1/2SE1/4	Prep	0.2	84
<b>TOTALS:</b>		<b>0.2</b>	<b>\$84.00</b>

The landowner agrees the above payment will be for newly restored wetland acres. Final numbers, upon which actual payment will be based, will be determined by on-site field review. The ND Natural Resources Trust (Trust) will make payment to the landowner upon confirmation by the authorized representative that all restoration requirements are completed. Term of agreement is until the cooperating contract expires or is terminated, maximum length of 50 years. The landowner/producer who holds the contract remains obligated to the terms of this contract. If the contract is terminated before it expires, the landowner/producer will reimburse the ND Natural Resources Trust for the payment the Trust made to them.

Landowner: \_\_\_\_\_  
\_\_\_\_\_

ND Natural Resources Trust:  
\_\_\_\_\_ 

Date: \_\_\_\_\_

Date: 12-16-14

North Dakota Natural Resources Trust  
Loss Production Payment (LPP)  
Management Agreement

Name: Ken Peterson	County: Benson
Address: 2908 Washington Way	Phone: 1-360-270-7045
City, State, ZIP: Longview, WA 98631	
Cooperating Agreement: ND-62580-11-001	County Rate: \$35.00

**Wetlands Restoration Calculation and Record**

Legal Description	Contract Length	Restored Wetland Acres	Total
T. 155 N., R. 71 W., Sec. 13 E1/2SW1/4	30	2.6	\$1,092
T. 155 N., R. 71 W., Sec. 13 E1/2SW1/4	30	0.4	\$168.00
T. 155 N., R. 71 W., Sec. 13 E1/2SW1/4	30	0.4	\$168.00
<b>TOTALS:</b>		3.4	\$1,428

The landowner agrees the above payment will be for newly restored wetland acres. Final numbers, upon which actual payment will be based, will be determined by on-site field review. The ND Natural Resources Trust (Trust) will make payment to the landowner upon confirmation by the authorized representative that all restoration requirements are completed. Term of the agreement is until the cooperating contract expires or is terminated, maximum length is 30 years. The landowner/producer who holds the contract remains obligated to the terms of this contract. If the contract is terminated before it expires, the landowner/producer will reimburse the ND Natural Resources Trust for the payment the Trust made to them.

Landowner: 

Date: 5-7-12

ND Natural Resources Trust: 

Date: 12-1-14

# North Dakota Natural Resources Trust

## Loss of Production Payment (LPP)

### Management Agreement

Name:	Richard Overby
Address:	1000 8th Ave. NW
City, St., Zip:	Austin, MN 55912
Cooperating Agreement:	USFWS Wildlife Ext. Agreement

County:	Cavalier
Phone:	636-219-7729

County Rate:	\$ 50.00
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40% of value

#### Incentive Payment Calculations and Record

#### Wetland Restorations

Legal Description	Contract Length	Restored Wetland Acres	Basin No.	LLP Total
T. 159 N., R. 62 W., Sec. 18	Perpetual	0.3	1	\$180.00
T. 159 N., R. 62 W., Sec. 18	Perpetual	0.7	2	\$420.00
T. 159 N., R. 62 W., Sec. 18	Perpetual	0.5	3	\$300.00
T. 159 N., R. 62 W., Sec. 18	Perpetual	0.7	4	\$420.00
T. 159 N., R. 62 W., Sec. 18	Perpetual	1.5	7	\$900.00
T. 159 N., R. 62 W., Sec. 20	Perpetual	0.2	8	\$120.00
T. 159 N., R. 62 W., Sec. 20	Perpetual	3.6	9	\$2,160.00
T. 159 N., R. 62 W., Sec. 20	Perpetual	0.6	10	\$360.00
T. 159 N., R. 62 W., Sec. 20	Perpetual	0.6	11	\$360.00
T. 159 N., R. 62 W., Sec. 20	Perpetual	0.7	13	\$420.00
T. 159 N., R. 62 W., Sec. 20	Perpetual	0.3	14	\$180.00
T. 159 N., R. 62 W., Sec. 20	Perpetual	2.3	16	\$1,380.00
total		12.0 <del>15.5</del>		\$ 7,200.00 <del>\$9,300.00</del>

The landowner agrees the above payment will be for newly restored wetland acres. Final numbers, upon which actual payments will be based, will be determined by on-site field review. The ND Natural Resources Trust (Trust) will make payment to the landowner upon confirmation by the authorized representative that all restoration requirements are completed. Term of agreement is until the conservation organizations contract expires or is terminated, maximum length of 30 years. The landowner/producer who holds the contract remains obligated to the terms of the contract. If the contract is terminated before it expires, the landowner/producer will reimburse the Natural Resources Trust for the payment the Trust made to them.

Landowner:

North Dakota Natural Resources Trust:

*Richard Overby*

*Tony Allister*

Date:

3-24-14

Date:

11-24-14



# North Dakota Natural Resources Trust

## Loss Production Payment (LPP)

### Management Agreement

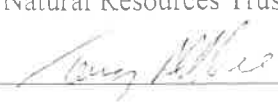
Name: John Wells	County: Towner
Address: 40 Sunrise Drive	Phone: 703-628-0499
City, State, ZIP: Boerne, TX 78006	
Cooperating Agreement: USFWS – WEA	County Rate: \$45.00

#### Wetlands Restoration Calculation and Record

Legal Description	Contract Length	Restored Wetland Acres	Total
T. 158 N., R. 67 W., Sec 21	Perpetual	7.6	\$4,104.00
<b>TOTALS:</b>			<b>\$4,104.00</b>

The landowner agrees the above payment will be for newly restored wetland acres. Final numbers, upon which actual payment will be based, will be determined by on-site field review. The ND Natural Resources Trust (Trust) will make payment to the landowner upon confirmation by the authorized representative that all restoration requirements are completed. Term of agreement is until the cooperating contract expires or is terminated, maximum length of 50 years. The landowner/producer who holds the contract remains obligated to the terms of this contract. If the contract is terminated before it expires, the landowner/producer will reimburse the ND Natural Resources Trust for the payment the Trust made to them.

Landowner: \_\_\_\_\_  
  
 Date: May 11, 2010

ND Natural Resources Trust: \_\_\_\_\_  
  
 Date: 5-27-10

# North Dakota Natural Resources Trust

## Loss of Production Payment (LPP)

### Management Agreement

Name:	Helseth, Roger
Address:	9135 Hwy 40
City, St., Zip:	Columbus, ND 59727
Cooperating Agreement:	USFWS Wildlife Ext. Agreement

County:	Burke
Phone:	701-705-6222

County Rate:	\$ 30.00
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40% of value


#### Incentive Payment Calculations and Record

#### Wetland Restorations

<u>Legal Description</u>	<u>Contract Length</u>	<u>Restored Wetland Acres</u>	<u>Basin No.</u>	<u>LLP Total</u>
T. 161 N., R. 93 W., Sec. 35 W1/2	10	0.6	1	\$48.00
<b>total</b>		<b>0.6</b>		<b>\$48.00</b>

The landowner agrees the above payment will be for newly restored wetland acres. Final numbers, upon which actual payments will be based, will be determined by on-site field review. The ND Natural Resources Trust (Trust) will make payment to the landowner upon confirmation by the authorized representative that all restoration requirements are completed. Term of agreement is until the conservation organizations contract expires or is terminated, maximum length of 30 years. The landowner/producer who holds the contract remains obligated to the terms of the contract. If the contract is terminated before it expires, the landowner/producer will reimburse the Natural Resources Trust for the payment the Trust made to them.

Landowner: \_\_\_\_\_  
  
 Date: 8/15/13

North Dakota Natural Resources Trust: \_\_\_\_\_  
  
 Date: 1-27-14

# North Dakota Natural Resources Trust

## Loss of Production Payment (LPP)

### Management Agreement

Name: Bott & Maier Rev. Trust(C/O Chad Maier,)	County: Sheridan
Address: 1220A Hwy 83 S	Phone: 701-462-3686
City, State, Zip: Washburn, ND 58577	
Cooperating Agreement: USFWS-WEA	County Rate: \$ 40.00 (uses 40% of value)

#### Wetlands Restoration Calculation and Record

Legal Description	Contract Length	Wetland No.	Acres	Total
<del>T. 146 N., R. 76 W., Sec. 35, SW1/4SW1/4</del>	<del>Perpetual</del>	<del>1</del>	<del>0.8</del>	<del>\$ 384.00</del>
T. 146 N., R. 76 W., Sec. 34, SW1/4	Perpetual	1	0.4	\$ 192.00
	Perpetual			\$ -
	Perpetual			\$ -
	Perpetual			\$ -
	Perpetual			\$ -
	Perpetual			\$ -
	Perpetual			\$ -
	Perpetual			\$ -
<b>TOTALS:</b>		2 basins	1.2	\$ 576.00

The landowner agrees the above payment will be for newly restored wetland acres. Final numbers, upon which actual payment will be based will be determined by on-site field review. The ND Natural Resources Trust (Trust) will make payment to the landowner upon confirmation by the authorized representative that all restoration requirements are completed. Term of agreement is until the cooperating contract expires or is terminated, maximum length of 30 years. The landowner/producer who holds thee contract remains obligate to the terms of this contract. If the contract is terminated before it expires, the landowner/producer will reimburse the ND Natural Resources Trust for the pament the Trust made to them.

Landowner:

North Dakota Natural Resources Trust:





Date:

6-20-13

Date:

1-23-2014