



**BULLETIN NO.: MGR-10-009**

**United States  
Department of  
Agriculture**

Farm and Foreign  
Agricultural  
Services

Risk  
Management  
Agency

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Washington, DC  
20250-0801

**TO:** All Approved Insurance Providers  
All Risk Management Agency Field Offices  
All Other Interested Parties

**FROM:** William J. Murphy /s/ Michael A. Alston, for 8/4/2010  
Administrator

**SUBJECT:** Migratory Bird Habitat Initiative

**BACKGROUND:**

The Natural Resources Conservation Service (NRCS) has developed the Migratory Bird Habitat Initiative to improve habitat conditions and food sources for migratory birds likely to be impacted by the conditions resulting from oil contamination in the Gulf of Mexico. The habitat improvement initiative involves developing adequate habitat areas for migratory birds in advance of coastal areas that may be contaminated by the Deepwater Horizon-BP oil spill. This initiative will be delivered through two components—one being available on private agricultural lands and the other on [Wetlands Reserve Program](#) easement lands. NRCS will be cooperating with private landowners and other partners to establish habitat and food sources as well as improve the overall habitat management on participating lands. Please see the attached map for areas affected by the initiative.

***Agricultural Lands***

Financial and technical assistance will be available from NRCS to provide feeding, loafing and resting areas for migratory birds. NRCS intends to offer payment incentives to landowners willing to flood existing farmed wetlands, prior converted croplands, or other lands that can provide immediate habitat for these species. Rice fields are particularly suited for this initiative. Aquaculture farms (e.g., catfish and crayfish) that have been abandoned or that could be modified or managed to provide additional habitat are also a focus, since they can be temporarily flooded.

***Habitat Priority Areas***

The initiative applies to private agricultural lands within, and adjacent to, the migratory flyways that enter the Gulf of Mexico. Participating states have identified priority counties using aquaculture and rice field data focused mainly within the Mississippi Alluvial Valley and the Chenier Plain in Louisiana and Texas.



The Risk Management Agency Administers  
And Oversees All Programs Authorized Under  
The Federal Crop Insurance Corporation

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To date, over 3,500 people representing 750,000 acres have signed up for the program. While all of these applications may not be approved, the Risk Management Agency (RMA) expects that some acreage covered by Federally reinsured crop insurance will be enrolled in the Migratory Bird Habitat Initiative.

**ACTION:**

Policyholders should be made aware of the applicable crop policy provisions and procedures that could affect any potential claim for indemnity as a result of enrolling insurable acreage in the NRCS Migratory Bird Habitat Initiative.

Each Approved Insurance Provider (AIP) must follow procedures outlined in Part 3, Section 1 of the *Loss Adjustment Manual Standards Handbook FCIC-25010* (LAM) if a loss occurs on any affected acreage.

If the crop will not be harvested prior to flooding the land, an appraisal must be completed to determine production to count prior to providing written consent to release the acreage for another use. This includes flooding the acreage to participate in the NRCS Migratory Bird Habitat Initiative.

Any quality determination must be based on a grade established by a licensed grain grader from samples obtained by the loss adjuster or a third party authorized by the AIP. If at time of loss adjustment, due to quality issues, it is determined that the crop has zero market value and cannot be sold, the crop must be destroyed.

For the purposes of acreage enrolled in the NRCS Migratory Bird Habitat Initiative, flooding will be considered an acceptable method of crop destruction after the crop has been appraised and the acreage released for another use. AIP loss adjusters should use the Certification Form as provided in Part 3, Section 1, paragraph 66 of the LAM to document the policyholder's flooding of acreage enrolled in the NRCS Migratory Bird Habitat Initiative. If the crop is harvested prior to flooding the acreage, the harvested production will be used for the purposes of determining production to count.

***Prevented Planting***

These provisions provide protection on acreage that cannot be planted by the final planting date or within the 25-day late planting period or other period as specified in the Special Provisions. The policy does not cover avoidable perils, such as the producer flooding acreage enrolled in the NRCS Migratory Bird Habitat Initiative. Flooding acreage enrolled in the NRCS Migratory Bird Habitat Initiative during the prevented planting insurance period will not be considered a cause of loss for prevented planting purposes.

**DISPOSAL DATE:**

March 31, 2011

ATTACHMENT

