



Conservation Title Food, Conservation and Energy Act of 2008

Overview

A new Farm Bill law was critical to the continuation of many conservation programs. Several expired when the 2002 Farm Bill expired on September 30, 2007. Minimal operations were extended for weeks at a time. This bill provides certainty for programs to continue, expansion of many programs, and creates some new programs.

The 2008 Farm Bill provides an addition \$4 billion in conservation program funding. It also redirects another \$2.5 billion in conservation spending from the Conservation Reserve Program (CRP) to other working lands and easement programs.

The cap on the CRP program is lowered to 32 million acres, but as a result of recent market prices and re-enrollment offers. This cap will be met with expiring acres in the current CRP program and will go into effect in 2010. Continuous sign-up will continue.

The Environmental Quality Incentives Program, Conservation Stewardship Program and Farmland Protection Program are provided additional financial resources. It includes a new program for the Chesapeake Bay and additional provisions for forestry practices in CRP and expanded eligibility for nonindustrial private forest land in other programs.

Rewrites and streamlines the Conservation Stewardship Program (formerly the Conservation Security Program) to allow for nationwide participation. The elimination of the tier structure should ease program delivery and understanding by producers. New enrollment based on acreage providing for an annual enrollment of almost 13 million acres

With the additional funds provided in this bill, the Wetlands Reserve Program and the Grasslands Reserve Program will continue. Their future was in jeopardy without new funding for conservation. The bill addresses the WRP appraisal problems with the "yellow book" by allowing other appraisal methods.

The new Farm Bill also includes important provisions on technical assistance by clarifying definitions, including outreach efforts, and the importance of conservation effects assessments to quantify the work that we do. It provides for technical assistance only contracts under the conservation programs for producers that do not seek financial assistance. It also adds planning as an eligible activity to several programs.

Section by Section

Conservation Reserve Program (CRP)

Updated cropping history 4 out of 6 years preceding 2008 enactment
32 million acre cap FY2010-2012

Adds mid-contract management

Managed haying & grazing – Secretary shall permit w/reduction in payment

- Harvesting & grazing – coordinate with State Tech Committee
- Wind Turbines – Secretary shall determine number and location

Updates Pilot Program for enrollment of wetland and buffer acreage

- Adds constructed wetland to receive ag drainage flow, former commercial pond-raised aquaculture, cropped prairie wetland
- Increases size of wetland – 40 continuous acres, 20 continuous acres for flooded farmland

Cost Share for trees, windbreaks, shelterbelts and wildlife corridors

- Adds cost share payments for thinning of existing stands (provides \$100 million for FY2009-2012)

Transition program for beginning farmers or ranchers and socially disadvantaged farmers or ranchers

- Allows conservation and land improvements 1 year before expiration of CRP contract and to begin certification process under the Organic Food Production Act
- Continue payment for up to 2 years
- Require implementation of conservation plan
- Provides \$25 million for FY2009-2012

Wetlands Reserve Program (WRP)

3,041,200 acres total

Land must be owned for 7 years

Cost-share payment limit \$50,000 per year

Easements under \$500,000 payment in not more than 30 annual payments.

Easements over \$500,000 payment over 5-30 years (Secretary can waive and make one lump sum)

WRP Appraisal Process (same in other programs)

- Lowest of: fair market value of the land using Uniform Standards of Professional Appraisal Practices or an area wide market analysis or survey; amount corresponding to geographical cap; offer from landowner

Creates Wetlands Reserve Enhancement Program similar to CREP

Conservation Stewardship Program (CSP)

Nationwide acreage based enrollment 12,769,000 acres per year FY2009-2017

Program for producers to undertake additional conservation activities and improve, maintain and manage existing conservation activities

Producers must be addressing one resource of concern at the stewardship threshold (improve and conserve the quality and condition of a resource of concern) on their entire operation and agree to meet or exceed the stewardship threshold for one additional resource of concern

Conservation activities include planning

Eligible Land – agricultural land, related land, incidental forestry

Special rule for nonindustrial private forest land – not more than 10 percent of total

Payment based on cost of practice, income foregone and environmental benefits.

Ranking of applications based on conservation treatment, number of priority resources of concern addressed, environmental benefits, relative cost
Payment Limit \$200,000 over 5 years. Target payment \$18 per acre.

Farmland Protection Program (FPP)

Eligible land -- adds forest land that contributes to the economic viability of an agricultural operation or serves as a buffer to protect an agricultural operation from development

Secretary to provide funds for the purchase of conservation easements, shall provide cost-share to eligible entities for purchasing conservation easement or other interest in eligible land (Fed share not more than 50 percent)

Fair Market Value determined using an appraisal using an industry approved method, selected by the eligible entity and approved by the secretary.

- \$97 million in FY2008
- \$121 million in FY2009
- \$150 million in FY2010
- \$175 million in FY2011
- \$200 million in FY2012

Grassland Reserve Program (GRP)

Enroll and additional 1,220,000 acres during FY2009-2012

10-year, 15-year, 20-year rental contract or permanent easement

40 percent of acres rental contracts and 60 percent easements

Payment limit \$50,000 per year for rental agreement

Restoration agreements (for lands under easement or rental contract) payment limit \$50,000 per year

Easement payment in up to 10 annual payments

Appraisal similar to WRP provisions

Environmental Quality Incentive Program (EQIP)

Adds conservation activities (planning) to eligible practices

Maintains 60/40 split in favor of livestock operations

Water conservation or irrigation practice

- Secretary may provide payments, gives priority to consistency with state law to reduce water use and agreement not to bring new land into production unless part of a watershed project

Organic production

- Secretary shall provide payments for conservation practices on organic production and to transition to organic production
- \$20,000 per year payment limit/\$80,000 total limit over 6 years

EQIP payment limit \$300,000 over any 6 years, with projects of special environmental significance set at \$450,000 (Secretary waiver)

Continues Conservation Innovation Grants with special program for Air Quality (\$37,500,000 per year FY2009-2012)

Creates Agricultural Water Enhancement Program

- Water Enhancement activity -- Water quality or water conservation plan development; water conservation restoration or enhancement projects; water quality or quantity restoration or enhancement projects; irrigation systems improvement and irrigation efficiency enhancement; activities designed to mitigate the effects of drought
- Partners – producer association, state or unit of local government, Indian tribe (cannot use funding for administrative expenses)

- Program – enter into contracts with producers or partnership agreements with partners to benefit working agricultural land.
- Funding – \$73 million for FY2009 & 2010; \$74 million for FY 2011; \$60 million for FY2012 and each year after.

Overall EQIP funding:

- \$1.2 billion in FY2008
- \$1.337 billion in FY2009
- \$1.45 billion in FY2010
- \$1.588 billion in FY2011
- \$1.75 billion in FY2012

Conservation of Private Grazing Lands

Extends through 2012, authorizes appropriations

Wildlife Habitat Incentive Program (WHIP)

Private agricultural land, nonindustrial private forest land, Tribal land, pivot corners
\$50,000 per year payment limit
\$85 million per year FY 2009-2012

Grassroots Source Water Protection Program

Authorizes appropriations of \$20 million per year FY2008-2012

Great Lakes Basin Program for Soil and Erosion and Sediment Control

Secretary to carry our program in consultation with the Great Lakes Commission.
Authorizes appropriations of \$5 million per year FY2008-2012.

Chesapeake Bay Watershed Program

To assist producers in implementing conservation activities on agricultural lands in the Chesapeake Bay Watershed, improve water quality and quantity through agreements with producers

- \$23 million in FY2009
- \$43 million in FY2010
- \$72 million in FY2011
- \$50 million in FY2012

Voluntary Public Access and Habitat Incentive Program

Secretary to establish a voluntary public access program under which State and tribal governments may apply for grants to encourage owners and operators of privately-held farm, ranch and forest land to voluntarily make that land available for access by the public for wildlife-dependent recreation, including hunting or fishing under programs administered by the States and tribal governments.
\$50 million per year FY2009-2012

Regional Equity

Increased from \$12 million to \$15 million

Assistance to certain farmers and ranchers

5 percent of EQIP and CSP acres held for beginning farmers and ranchers
5 percent of EQIP and CSP acres held for socially disadvantaged farmers and ranchers

Technical Service Providers

Technical assistance can be provided – directly; through an agreement with a third party provider; or at the option of the eligible participant, through a payment to the participant for an approved third party provider

The Secretary may request the services of, and enter into cooperative agreements or contracts with other agencies within the Department or non-federal entities to assist the Secretary in providing technical assistance necessary to assist in implementing conservation program.

Certification of third party providers – Secretary to issue regulations in 180 days.

Eligible activities for third party providers -- technical services provided directly to eligible participants such as conservation planning, education and outreach, and assistance with design and implementation of conservation practices and related technical assistance services that accelerate conservation program delivery.

Technical Service Contracts – in any case which financial assistance is not provided under a program, the Secretary may enter into a technical service contract with the eligible participant for the purpose of assisting in the planning, design, or installation of an eligible practice.

Cooperative Conservation Partnership Initiative

To work with eligible partners to provide assistance to producers enrolled in conservation programs (except for easements and reserve program) that will enhance conservation outcomes on agricultural and nonindustrial private forest land.

Purpose – address local, state, multi-state or regional conservation priorities; encourage producers to cooperate in the installation and maintenance of conservation practices that affect multiple operations; promote the development and demonstration of innovative conservation practices and delivery methods

Eligible Partners – states and local governments, Indian tribes, producer association, farmer cooperatives, institutions of higher education, nongovernmental organizations.

Funding – 6 percent of funding for conservation programs held for this initiative

Highly Erodible Land, good faith determination

Provides for graduated penalties, Eligible reviewers -- State ED with technical concurrence of the State Con or District Director with the technical concurrence of the Area Con to approve

Wetland Conversion, good faith determination

Eligible reviewers -- State ED with technical concurrence of the State Con or District Director with the technical concurrence of the Area Con to approve

Environmental Services Market

USDA to establish a framework to measure environmental service benefits from conservation and land management activities

Agriculture Conservation Experienced Services Program

Secretary to establish ACES Program

State Technical Committees

Names updated on State Tech Committee (NRCS, FSA); Fish and Wildlife Service, Farmers Home Administration and Extension removed; adds owners of nonindustrial private forest land.

Local Work Groups exempt from the Federal Advisory Committee Act as subcommittees of the state tech committee

Technical Assistance under the Soil Conservation and Domestic Allotment Act

This provision deals with Conservation Technical Assistance and provides a broader definition of TA than currently in the 1935 law.

Technical assistance means the technical expertise, information, and tools necessary for the conservation of natural resources on land active in agricultural, forestry or related uses.

- Technical services provided directly to farmers, ranchers, and other eligible entities, such as conservation planning, technical consultation, and assistance with design and implementation of conservation practices and technical infrastructure, including activities, processes, tools and agency functions needed to support delivery of technical services, such as technical standards, resource inventories, training, data, technology, monitoring and effects analyses.

Small Watershed Rehabilitation Program

\$100 million for fiscal year 2009 to be available until expended

Authorizes appropriations

Amendment to the Soil and Water Resources Conservation Act

Adds provisions on the appraisal and inventory of resources, assessment and inventory of conservation needs, evaluation of the effects of conservation practices, and analyses of alternative approaches to existing conservation programs

Resource Conservation and Development Program

Provides updates to the locally led planning process and responsibilities for the RC&D coordinator

Includes provisions on salinity control activities upstream of Imperial Dam, and the Desert Terminal Lakes, and names the Beltsville, MD National Plant Material Center in honor of Norman Berg.

Provisions in Other Farm Bill Titles

Adjusted Gross Income

\$1 million in average adjusted gross nonfarm income unless two-thirds of the participants' income was from farming, ranching or related activities

Sodsaver

At the election of the Governor of a state in the Prairie Pothole Region National Priority Area, native sod acreage that is tilled for the production of an annual crop will be ineligible for crop insurance and noninsured crop disaster assistance benefits during the first 5 crop years of planting. Native sod is defined as land on which the plant cover is composed principally of native grasses, grasslike plants, forbs, or shrubs suitable for grazing and browsing; and that has not been tilled for production of annual crop at the date of enactment.