



Food, Conservation and Energy Act of 2008

Helping People Help the Land



The path to the 2008 Farm Bill

1985 Food Security Act

- ✓ Highly Erodible Land protection (HEL)
- ✓ Reduction of wetland conversion (Swampbuster)
- ✓ Conservation Reserve Program

1990 Food Agricultural Conservation & Trade Act

- ✓ Continues HEL & Swampbuster provisions
- ✓ Continues CRP
- ✓ Wetland Reserve Program Authorized

1996 Federal Agriculture Improvement & Reform Act

- ✓ Environmental Quality Incentives Program begins
- ✓ Wildlife Habitat Quality Incentives Program begins
- ✓ WRP, CRP continued

2002 Farm Security & Rural Investment Act

- ✓ Conservation Security Program



Environmental Quality Incentives Program (EQIP)

EQIP offers financial and technical assistance to agriculture and forestry producers to promote agricultural production, forest management, and environmental quality as compatible goals



EQIP Key Points (3)

For organic producers:

Specific section on assistance with conservation practices utilized for organic production and transition

Payments for practices with organic production benefits limited to not more than \$20,000 per year; \$80,000 in 6 years



EQIP Key Points (4)

For limited resource, socially disadvantaged and beginning farmers or ranchers:

- ✓ Up to 90 percent cost share or at least 25 percent above the otherwise applicable rate
- ✓ Advance payments to cover up to 30% of the cost of materials to install conservation improvements



EQIP Payment Limitations

Environmental Quality Incentives Program (EQIP) Payment Limitations

\$300,000 per person over a six-year period

Up to \$450,000 per person over a six-year period may be authorized for projects of environmental significance



Agricultural Water Enhancement Program (AWEP)

Replaces Ground and Surface Water Conservation Program

Offers financial and technical help to assist farmers and ranchers install or implement conservation practices for agricultural water conservation water quality enhancement activities





AWEP Key Points

A new activity within EQIP on agricultural lands

Promotes ground and surface water conservation

Promotes improved water quality

Projects may be considered in areas experiencing drought to:

- ✓ **Impound water to capture surface water runoff on agricultural land for new irrigation projects**
- ✓ **Maintain ponds**



AWEP Payment Limitations

Agricultural Water Enhancement Program (AWEP) Payment Limitations

\$300,000 per person over a six-year period

Up to \$450,000 over a six-year period may be authorized for projects of environmental significance

AGI waiver, if necessary to fulfill the objectives of the program



Conservation Innovation Grants

Program reauthorized

Emphasis on efficient and effective transfer of innovative technologies and approaches and increased participation of specialty crop producers



WHIP - Conservation Opportunities

PROTECTS WILDLIFE HABITAT

The Wildlife Habitat Incentives Program

- ✓ Will continue to assist in conservation of habitat on agricultural, forest and tribal land
- ✓ Provides cost-share assistance to participants seeking to improve and protect wildlife habitat



WHIP Key Points

Reauthorizes WHIP through 2012

Limits contracts to private agricultural land, non-industrial private forestland, and tribal lands

Increases the percentage of long-term agreements from 15 to 25 percent

Allows a priority for projects that further national, state, or regional habitat goals

Establishes annual payment limits to a person or legal entity of not more than \$50,000



Farm and Ranch Lands Protection Program (FRPP)

Provides matching funds to help State, tribal, or local governments and non-governmental organizations purchase development rights to keep productive farm and rangeland in agricultural uses





FRPP Conservation Opportunities

Protects farm and ranch land from conversion to non-agricultural uses.

Helps limit the impervious area in watersheds thereby protecting water quality.

Maintains wildlife habitat in areas where urbanization has significantly reduced habitat.





FRPP Key Points (2)

Removes any present or future interest in easements from the Secretary

Changes the minimum entity contribution to 25 percent of the easement acquisition price rather than 25 percent of the appraised fair market value

Allows the entity to designate the terms and conditions of its deed and to choose the appraisal methodology, subject to approval by the Secretary

No statutory payment limit.



Grassland Reserve Program (GRP)

Assists landowners to restore and protect grassland, rangeland, pastureland, shrub land and certain other lands and provides assistance for restoration.





GRP Key Points

Reauthorizes GRP through 2012

Requires a grazing management plan

Additional 1,220,000 acres in the period of fiscal years 2009 through 2012

Limits rental agreement options to 10-, 15-, and 20-years

Allows entities to write, own, and enforce easements with a 50 percent match through a cooperative agreement



GRP Payment Limitations

Grassland Reserve Program (GRP) Payment Limitations

Establishes an annual \$50,000 payment limitation per person for rental agreements and an annual \$50,000 payment limitation per person for restoration agreement payments

No statutory limit for easements



Healthy Forest Reserve Program (HFRP)

Assists landowners to restore and protect forest land resources and protects at risk species





HFRP Key Points

Creates new conservation opportunities through increased funding

\$9,750,000 in mandatory for each of fiscal years 2009 through 2012

Enrollment options:

- ✓ Permanent easements
- ✓ 30-year easements
- ✓ 30-year contracts rather than agreements for Indian tribes

Limits funding to

- ✓ 40 percent for 10-year cost-share agreements
- ✓ 60 percent for easements



Conservation Programs

LAND RETIREMENT PROGRAMS

Conservation Reserve Program (CRP)

Wetlands Reserve Program (WRP)



Wetlands Reserve Program (WRP)

A voluntary, non-regulatory, incentive-based program that helps private landowners, farmers and ranchers protect and restore wetlands on their property



Conservation Opportunities

PROTECTS FRAGILE WETLANDS

Wetlands Reserve Program

- ✓ Allows up to 3,041,200 acres of wetlands to be enrolled
- ✓ Approximately 900,000 new acres



WRP Key Points (2)

Enrollment Options:

- ✓ Permanent easements
- ✓ 30-year easements
- ✓ 30-year contract option for Tribes
- ✓ Restoration cost-share agreements

Prohibits enrollment of land in easements where ownership has changed during the previous 7 years for the purposes of enrolling in the WRP

Specifies cost-assistance for maintenance activities



WRP Key Points (3)

Changes easement compensation to the lowest of the following:

Fair market value of the land enrolled based on a

**Uniform Standards of Professional
Appraisal Practices appraisal, or a**

Market survey

Geographic cap established by the Secretary, or

Landowner offer

These changes will be implemented on the date of enactment



WRP Key Points (4)

Sets an annual payment limit on restoration cost-share agreement payments of \$50,000 per person

Easements of less than \$500,000 may be made in up to 30 payments

Easements greater than \$500,000 may be made in at least 5 and no more than 30 payments

A waiver may be allowed for special circumstances



Wetlands Reserve Enhancement Program (WREP)

Special Wetland Programs with States, Tribes, or NGO's
Reserved Rights Pilot Program

Flooded Cropland or Grassland (used for production prior to natural
overflow of closed basin or prairie pothole)

Annual interest survey Prairie Pothole Region





Conservation Programs

STEWARDSHIP PROGRAMS

Conservation Security Program (CSP)

Conservation Stewardship Program (CSP)



Conservation Security Program

Conservation Security Program—

Continues funding for current contract holders for signups
conducted during fiscal years 2004 through 2008

No new enrollments

No new modifications



Conservation Opportunities

PROMOTES NEW CONSERVATION AND REWARDS STEWARDSHIP

The renamed **Conservation Stewardship Program (CSP)** will focus on:

- ✓ Incentivizing new conservation
- ✓ Rewarding producers for high levels of additional stewardship
- ✓ Addressing local priority resource concerns



CSP Key Points

Authorized 2009 through 2017

12,769,000 acres may be enrolled each year

Average \$18/acre nationally (FA and TA)

Acres will be allocated based on eligible acres in a state

Applicants must account for stewardship activities covering their entire agricultural operation



CSP Key Points (2)

Applications will be competitively ranked based on:

- ✓ Present and proposed conservation activities
- ✓ Number and extent of resource concerns addressed
- ✓ Cost effectiveness of the expected environmental benefits

The program shall be managed to achieve a national average rate of \$18 per acre, which shall include the costs of all financial assistance and technical assistance

A person or legal entity cannot receive CSP payments exceeding \$200,000 during any five-year period



CSP Key Points (4)

Eligible producers must initially meet the stewardship threshold for one resource concern and be willing to achieve the threshold for at least one additional priority resource concern by the end of their five-year contract

CSP payments will change to be paid retrospectively in the fiscal year after the improvements and activities are completed



Conservation Programs

NEW INITIATIVES

Chesapeake Bay Watershed Program

Voluntary Public Access and Habitat Program (Open Fields)

Environmental Services Markets

Cooperative Conservation Partnership Initiative



Voluntary Public Access and Habitat Incentive Program (Open Fields)

Provides incentives to state governments and Indian tribes to provide public access to private land for hunting and fishing



Open Fields Key Points

Establishes a voluntary public access program 2009 - 2012

States and Tribes may apply for grants to encourage owners and operators of privately held farm, ranch, and forest land to make that land available for wildlife-dependent recreation

The program does not preempt State or tribal government laws, including liability laws

Provides \$50,000,000 in mandatory funds for this program

Includes a 25 percent reduction for the total grant amount to an entity if the opening dates for migratory bird hunting in the State are not consistent for residents and non-residents



Cooperative Conservation Partnership Initiative

Directs 6 percent of funds and acres from Farm Bill Conservation Title programs, except CRP, WRP, FRPP, and GRP, be used for targeted conservation activities and areas

Projects will be selected through a competitive process of applications submitted by partners

Projects will be implemented through existing program authorities and procedures

Funds and acres are directed at the State level (90 percent) and nationally (10 percent)



Conservation Access

Assistance to Certain Farmers and Ranchers to Improve Their Access to Conservation Programs:

- ✓ **Funding set aside for Beginning and socially disadvantaged farmers or ranchers**
 - ✓ **5% funding set-aside for each group in EQIP**
 - ✓ **A 5% acreage set-aside for each group in CSP**
- ✓ **Funds or acreage not obligated during a fiscal year would be returned to the general EQIP and CSP programs**



Adjusted Gross Income Limitation

For conservation programs, persons or legal entities are eligible if—

- ✓ *The average non-farm AGI is less than \$1,000,000, or*
- ✓ *2/3 of the average total AGI is from farming, ranching, or forestry*
- ✓ *The limitation may be waived on a case-by-case basis if:*
 - *Environmentally sensitive land of special significance would be protected*

Not in effect until FY2009



Sod Saver (Section 12020)

CROP INSURANCE INELIGIBILITY RELATED TO PRODUCTION ON NONCROPLAND

Rangeland, forestland, and native grassland that has not been used for crop production will not be eligible for crop insurance – this is not restricted to sodbusted (HEL) lands

Governor must authorize

Limited to the Prairie Pothole Region



Farm Bill Program Transition for FY2008 (Section 2903)

The Secretary shall continue to carry out any current program or activity, including the Ground and Surface Water Conservation Program, using laws applicable to the program as they existed in the program one day prior to enactment



Rule Making for FY2009

Most rules to be completed in 90 days