



Food, Conservation and Energy Act of 2008

Helping People Help the Land



2008 Farm Bill: Food, Conservation and Energy Act

The Food, Conservation, and Energy Act of 2008 (2008 Farm Bill) became law on May 22, 2008

The legislation includes fifteen diverse titles, including broad provisions for conservation, energy and tax policy

Enactment of the bill followed a multiple year process of deliberation and debate yielding a final product with some but not all of the policy recommendations offered by the United States Department of Agriculture



2008 Farm Bill Highlights

Increases funding for conservation programs

Focuses on Agricultural and Forestry Working Lands

Environmental Quality Incentives Program expanded

Continues Wildlife Habitat Incentives Program



2008 Farm Bill Highlights (2)

Conservation Stewardship Program begins FY2009 with an acreage allocation and a ranking system. Offers flexibility to be a nationwide program

Wetlands Reserve Program appraisal issues resolved

Farm and Ranch Lands Protection Program funding expanded

Creates an Open Fields Program to encourage public access to private land for hunting and fishing



Conservation Technical Assistance

Technical Assistance Under the Soil Conservation and Domestic Allotment Act (Section 2802)

- ✓ Broadens the purpose to clarify authorities to preserve soil, water and related resources in addition to promoting soil and water quality
- ✓ Defines Technical assistance as technical services and technical infrastructure.



Conservation Technical Assistance

Technical Services

Service provided directly to farmers, ranchers, and other eligible entities, such as conservation planning, technical consultation, and assistance with design and implementation of conservation practices



Conservation Technical Assistance

Technical Infrastructure

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 analysis



Conservation Technical Assistance (2)

Delivery of Conservation Technical Assistance - Section 2706

This section authorizes the Secretary to provide technical assistance:

- ✓ To an eligible participant directly
- ✓ Through an agreement with a third-party provider
- ✓ or at the option of the eligible participant, through a payment to the eligible participant for an approved third party provider

Provides authority for contracting with third-party providers for technical assistance

Defines entities eligible to receive technical assistance under this title



Where financial assistance is not required, the Secretary may enter into technical services contracts with program participants

The Secretary is authorized to use mandatory funds and multi-year contracts with third party providers, to establish fair and reasonable payment rates, and to ensure a nationally consistent certification process

The Secretary is required to review conservation practice standards to ensure that the conservation practices are consistent with local needs

The Secretary is directed to ensure that adequate technical assistance is made available to producers involved with organic, specialty crop, or precision agriculture production



Conservation Programs

Working Lands Programs

Environmental Quality Incentives Program (EQIP)

- ✓ Agricultural Water Enhancement Program (AWEP)
- ✓ Conservation Innovation Grants (CIG)

Wildlife Habitat Incentives Program (WHIP)



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



Increases Support of Working Land Conservation

EQIP is a critical element of USDA conservation programs

- ✓ **Increases funding above the current law by \$3.4 billion in budget authority over the next ten years**



EQIP Key Points

Reauthorized until 2012

Validates NRCS forestry activities by specifically referencing forest management

Expanded to include energy conservation benefits associated with conservation practices

Places a priority on reduction of water use or no new lands irrigated



EQIP Key Points (2)

Broader scope of conservation payments to include:

- ✓ Specific Planning activities beyond CNMP
- ✓ Build on management intensity concepts of CSP enhancements
- ✓ Payments fit Green Box for WTO

Air quality practices \$37.5 million per year (2009-2012)



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 Funding

Fiscal Year	Dollar Amount
2008	\$1,200,000,000
2009	\$1,337,000,000
2010	\$1,450,000,000
2011	\$1,588,000,000
2012	\$1,750,000,000



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 Key Points

Contracts may be entered into directly with producers to carry out agricultural water enhancement activities, or

Contracts may be entered into directly with producers identified through partnership agreements developed with entities to carry out agricultural water enhancement activities on a regional basis

Partners are selected competitively, and eligible producers are enrolled to achieve the project objectives using EQIP contracts



AWEP Funding

Fiscal Year	Dollar Amount
2008	\$0
2009	\$73,000,000
2010	\$73,000,000
2011	\$74,000,000
2012	\$60,000,000



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



Wildlife Habitat Incentives Program (WHIP)

- ✓ 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



WHIP Funding

Fiscal Year	Dollar Amount
2008	\$85,000,000
2009	\$85,000,000
2010	\$85,000,000
2011	\$85,000,000
2012	\$85,000,000



Conservation Programs

PRIVATE LANDS PROTECTION PROGRAMS

Farm and Ranch Lands Protection Program (FRPP)

Grassland Reserve Program (GRP)

Healthy Forests Reserve Program (HFRP)



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 Key Points

Creates new conservation opportunities through increased funding

Reauthorizes FRPP through 2012

Changes program purposes from topsoil protection to protecting agricultural use and related conservation values by limiting nonagricultural uses

Changes the Secretary's role in the purchase of easements from acquisition of an interest to providing cost-share to eligible entities



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



FRPP Key Points (3)

Allows the Secretary to certify eligible entities

Specifies a minimum agreement length of 5 years for certified entities

Non-certified entities shall have agreement lengths of 3-5 years



FRPP Funding

Fiscal Year	Dollar Amount
2008	\$97,000,000
2009	\$121,000,000
2010	\$150,000,000
2011	\$175,000,000
2012	\$200,000,000



FRPP Payment Limitations

Farm and Ranch Lands Protection Program (FRPP)
Payment Limitations

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

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

Removes dollar cap

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 Key Points (2)

Uses an easement valuation requirement similar to Wetlands Reserve Program

Requires a grazing management plan

Includes contingent right language that would limit Federal rights in entity-secured easements



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**



HFRP Funding

Fiscal Year	Dollar Amount
2008	\$0
2009	\$9,750,000
2010	\$9,750,000
2011	\$9,750,000
2012	\$9,750,000



Conservation Programs

LAND RETIREMENT PROGRAMS

Conservation Reserve Program (CRP)

Wetlands Reserve Program (WRP)



Conservation Reserve Program (CRP)

Removes marginal croplands from production and encourages environmental enhancement on those lands

Provides new Wildlife Habitat program initiative

Reauthorizes and expands the flooded farmlands component of CRP



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



WRP Key Points

Reauthorized through 2012

Overall Program Acreage Cap 3,041,200 acres (adds 766,200 acres)

Removed annual acreage cap

Limits enrollment to private or Tribal lands



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

No statutory limitation on cost of easement

A waiver may be allowed for special circumstances



WRP Funding

Capped at 3,041,200 acres
766,200 new acres



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)



Conservation Programs

STEWARDSHIP PROGRAMS

Conservation Security Program (CSP)

Conservation Stewardship Program (CSP)



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 Stewardship Program (CSP)

CSP pays farmers who are improving conservation treatment on their working lands to encourage the continuation of farming and ranching practices that benefit soil, water, and air resources



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
- ✓ Allow for enrollment in every watershed
- ✓ Every year



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



CSP Key Points (3)

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 Funding

Fiscal Year	ACRES
2008	0
2009	12,769,000
2010	12,769,000
2011	12,769,000
2012	12,769,000



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



Environmental Services Markets

Establishment of science-based technical guidelines to measure environmental service benefits. Creation of a registry to collect, record, and maintain benefits.



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)



Programs Reauthorized

Small Watershed Rehabilitation Program

- ✓ Reauthorized through 2012
- ✓ Provides \$100 million in mandatory funding in 2009 to be available until expended

Conservation of Private Grazing Land

Resource Conservation & Development



Conservation Access

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

- ✓ Ten percent 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



Streamlining Provisions

Section 2702--Authority to Accept Contributions to Support Conservation Programs

- Provides authority to accept non-federal funds to administer conservation programs under this Title.



In 2007, the NRCS programs in Title II were limited to 71.7 percent of their authorized funding levels.

	Farm Bill Authorized	Congress Allowed
WRP	250,000 acres	144,776 acres
CSP	\$373 million	\$259 million
EQIP	\$1.27 billion	\$1.017 billion
GSWC	\$60 million	\$51 million
WHIP	\$85 million	\$43 million
FRPP	\$97 million	\$50 million
AMA	\$14 million	\$6 million
Rehab.	\$65 million	0



United States Department of Agriculture
Natural Resources Conservation Service

For More Information, visit:

- ✓ Your local USDA Service Center
- ✓ Your local conservation district
- ✓ <http://www.az.nrcs.usda.gov>