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FISH & WILDLIFE
AGENCIES

Farm Bill

Passage of the Farm Bill was the most significant, enacted legislation to fund fish and wildlife conservation in 2008. But, it required overturning a Presidential veto—twice. In May and June 2008, both Congressional chambers overrode President George W. Bush to reauthorize the 2002 Farm Bill, enacting the new Food, Conservation and Energy Act of 2008.

The bill increased total spending on conservation programs by approximately \$4 billion to about \$7.9 billion through 2012. While the greater fish and wildlife community, of which the Association was a key advocate, did not achieve everything it set as priorities. The Association did make progress despite some challenges ahead.

Steps Forward

The Farm Bill included a new provision called the “Voluntary Public Access and Habitat Incentive Program,” formerly known as the “Open Fields” legislation with funds authorized at \$50 million for 2009-2012. New funds also were included in the bill for the Wetland Reserve Program (WRP) to increase the acreage cap, fix the appraisal problem and eliminate the annual enrollment goal, which should help provide a program budget baseline in future reauthorizations.

Increased funding for the Grassland Reserve Program (GRP) was authorized to enroll an additional 1.22 million acres over the next four years using rental contracts or permanent/state maximum duration easements; the 40-acre minimum contract size was removed; and 60% of funding was allotted for easements to enhance long-term grassland conservation. The Conservation Security Program, renamed the Conservation Stewardship Program, will be implemented nationwide with a goal of enrolling 12.7 million acres/year at a national average rate of \$18/acre, and five-year contracts will be available to eligible producers. In addition, the \$85 million-a-year, reauthorized Wildlife Habitat Incentives Program (WHIP) will reserve 25% of total funding for long-term contracts and allow habitat development on pivot corners and irregular areas.

Congress added a new provision to the bill called the Cooperative Conservation Partnership Initiative (CCPI) to allow for cooperative agreements with state agencies, conservation groups, producers and agricultural groups for up to five years to enhance conservation on non-industrial private forest and agricultural land through partnerships and WHIP, EQIP and CSP. Six percent of the program funds and acres will be set aside annually for the CCPI with 90% to be expended on state projects and the remaining on national projects.

The bill also improves the delivery of Technical Assistance by including monitoring and effects analysis in its definition and by enabling state governments and agencies with technical expertise to be approved third-party assistance providers. Moreover, state fish and

wildlife agencies were added to the list of statutory members of the Natural Resource Conservation Services' state-level State Technical Committee.

Other positive outcomes of the Farm Bill include a new, though unfunded provision called the Environmental Service Markets to help develop markets for and report the benefits of environmental services provided by agricultural producers (e.g., clean water, carbon sequestration). Non-industrial private forest land management was added to the eligibility list for most programs, which provides a greater opportunity to address fish, wildlife and habitat needs.

Finally, terminology was used in CRP, GRP, WHIP, CSP, and to some extent EQIP directing the programs to address issues raised by state, regional and national conservation initiatives such as the North American Waterfowl Management Plan, the National Fish Habitat Action Plan, State Comprehensive Wildlife Conservation Strategies and more.

Challenges Ahead

Congress changed some conservation programs in the 2008 Farm Bill that will have adverse and possibly unintended consequences on fish, wildlife and their habitats, which will be revealed over time as the U.S. Department of Agriculture (USDA) implements rules.

- The CRP overall enrollment cap will be reduced in 2010 by 18% to 32 million acres per year and with additional acres expiring; CCRP and CREP will continue though a general sign-up is uncertain.
- WRP eligibility was restricted to private and tribal lands, eliminating participation from state and local governments, and the tenure of ownership for WRP eligibility was increased from one to seven years.
- Environmental Quality Incentives Program (EQIP) payment limits were cut by 33% to \$300,000 over six years, which will adversely affect some landscape-level conservation initiatives.
- WHIP eligibility is now restricted to private agricultural lands, tribal lands and non-industrial private forest lands and the annual payment limit is \$50,000, which will negatively impact more expensive fish and wildlife restoration efforts such as fish passage, fish habitat restoration and dam removal.
- The U.S. Fish & Wildlife Service was removed as an official member of the State Technical Committee; however, it can be invited to participate as needed.
- The Sodsaver provision is limited to counties in the five-state Prairie Pothole National Priority Area (PPNA) and requires governor opt-in. In the provision, a loss of benefits is applied only to crop insurance for the first five years; a five-acre exemption is included; and only native sod in the PPNA not planted prior to the 2008 Farm Bill enactment is affected.

The Agricultural Committee and its working groups are reviewing and providing comments on conservation program rules issued by USDA and continue to coordinate with the Administration on the priorities of state agencies.