

Comparison of the Conservation provisions of the Food, Conservation and Energy Act of 2008 and the 1985 Food Security Act (as amended by subsequent legislation/Farm Bills)



Program	Food, Conservation and Energy Act of 2008	1985 Food Security Act as amended/current law
Agricultural Management Assistance	<ul style="list-style-type: none"> • \$15,000,000 each FY 2008-12 • Includes Hawaii as eligible state 	<ul style="list-style-type: none"> • \$20,000,000 each FY 2003-07
Agricultural Water Enhancement Program	<ul style="list-style-type: none"> • Under EQIP <ul style="list-style-type: none"> ○ 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 <ul style="list-style-type: none"> ▪ \$73 million for FY2009 & 2010; ▪ \$74 million for FY 2011; ▪ \$60 million for FY2012 and each year after 	<ul style="list-style-type: none"> • See Ground and Surface Water Conservation
Chesapeake Bay Watershed Conservation Program	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • No similar provision
Conservation Access	<ul style="list-style-type: none"> • Specifies use of funds from EQIP or acreage from CSP for each fiscal year 2009-12 <ul style="list-style-type: none"> ○ 5% for beginning farmers or ranchers ○ 5% for socially disadvantaged farmers or ranchers. 	<ul style="list-style-type: none"> • No Similar Provision
Conservation Innovation Grants	<ul style="list-style-type: none"> • \$37,500,000 per year FY2009-2012 under EQIP – these funds are focused on a special program for Air Quality 	<ul style="list-style-type: none"> • Program established through 1985 Food Security Act as amended by 2002 Farm Bill • (no funding level specified)
Conservation of Private Grazing Land	<ul style="list-style-type: none"> • Extends through 2012, authorizes appropriations 	<ul style="list-style-type: none"> • Authorizes appropriations \$60,000,000 each FY 2002-07

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Conservation Reserve Program	<ul style="list-style-type: none"> • 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 <ul style="list-style-type: none"> ○ 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 • Cost Share for trees, windbreaks, shelterbelts and wildlife corridors <ul style="list-style-type: none"> ○ 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 <ul style="list-style-type: none"> ○ Provides \$25 million for FY2009-2012 	<ul style="list-style-type: none"> • 39.2 million acres • Chesapeake Bay, Great Lakes and Long Island Sound are conservation priority areas • Pilot program for wetlands and buffer acreage in CRP
Conservation Security Program	<ul style="list-style-type: none"> • Prohibits new or renewal of contracts after September 30, 2008. • Provides funding as necessary for existing contracts 	<ul style="list-style-type: none"> • Program established through 1985 Food Security Act as amended by 2002 Farm Bill • Uncapped program as written in 2002 Farm Bill, but subsequently capped by budget reconciliations under the Agriculture Assistance Act of 2003.
Conservation Stewardship Program	<ul style="list-style-type: none"> • 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 • Payment Limit \$200,000 over 5 years. Contracts can be renewed for one additional 5-year period. Target \$18 per acre for overall administration of the program (including payments). 	<ul style="list-style-type: none"> • Similar to existing Conservation Security Program (see above)
Cooperative Conservation Partnership Initiative	<ul style="list-style-type: none"> • To work with eligible partners to provide assistance to producers enrolled in conservation programs (except for easements and conservation reserve program) that will enhance conservation outcomes on agricultural and non-industrial 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 (except for easements and conservation reserve program) 	<ul style="list-style-type: none"> • See Partnerships and Cooperation

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Environmental Quality Incentives Program	<ul style="list-style-type: none"> • Adds conservation activities (planning) to eligible practices • Maintains 60/40 split in favor of livestock operations • Water conservation or irrigation practice <ul style="list-style-type: none"> ○ 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 <ul style="list-style-type: none"> ○ 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) • Overall EQIP funding: <ul style="list-style-type: none"> ○ \$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 	<ul style="list-style-type: none"> • Program established through 1985 Food Security Act as amended by 1996 and 2002 Farm Bills • \$400 million in FY02 • \$700 million in FY03 • \$1 billion in FY04 • \$1.2 billion in FY05 • \$1.27 billion in FY06 • \$1.3 billion in FY07
Environmental Services Market	<ul style="list-style-type: none"> • USDA to establish a framework to measure environmental service benefits from conservation and land management activities 	<ul style="list-style-type: none"> • No Similar Provision
Farmland Protection Program	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • Program established under 1985 Food Security Act with amendments in the 1996 and 2002 Farm Bills • \$50 million in FY02 • \$100 million in FY03 • \$125 million in FY04 • \$125 million in FY05 • \$100 million in FY06 • \$97 million in FY07
Farm Viability Program	<ul style="list-style-type: none"> • Authorizes appropriations for FY 2008-12 	<ul style="list-style-type: none"> • Program established under 1985 Food Security Act as amended the 2002 Farm Bill
Grassland Reserve Program	<ul style="list-style-type: none"> • Enroll and additional 1,220,000 acres during FY2009-2012 • 10-year, 15-year, 20-year rental contract or permanent easement • 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 (see description under WRP) 	<ul style="list-style-type: none"> • Program established under 1985 Food Security Act as amended by the 2002 Farm Bill • \$254 million through FY 2007

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Grassroots Sourcewater Protection Program	<ul style="list-style-type: none"> • Authorizes appropriations of \$20 million per year FY2008-2012 	<ul style="list-style-type: none"> • Program established under 1985 Food Security Act as amended by the 2002 Farm Bill • \$5,000,000 FY 2002-07
Great Lakes Basin Program	<ul style="list-style-type: none"> • Secretary to carry program in consultation with the Great Lakes Commission • Authorizes appropriations of \$5 million per year FY2008-2012. 	<ul style="list-style-type: none"> • Program established under 1985 Food Security Act as amended by the 2002 Farm Bill • \$5,000,000 each FY 2002-07
Ground and Surface Water Conservation	<ul style="list-style-type: none"> • See Agricultural Water Enhancement Program 	<ul style="list-style-type: none"> • Program established under 1985 Food Security Act as amended by the 2002 Farm Bill • \$25,000,000 for fiscal year 2002; • \$45,000,000 for fiscal year 2003; and • \$60,000,000 for each of fiscal years 2004 through 2007; and • \$50,000,000 to carry out water conservation activities in Klamath Basin, California and Oregon
Highly Erodible Lands (HEL)	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • Established under 1985 Food Security Act and amended in the 1990, 1996 and 2002 Farm Bills
Partnerships and Cooperation	<ul style="list-style-type: none"> • See Cooperative Conservation Partnership Initiative 	<ul style="list-style-type: none"> • Program established under 1985 Food Security Act as amended by the 2002 Farm Bill • Funded at no more than 5% of all conservation programs under Subtitle D of the Conservation Title (CRP, WRP, CSP, FRPP, GRP, WHIP)
Small Watershed Rehabilitation	<ul style="list-style-type: none"> • \$100 million for fiscal year 2009 to be available until expended • Authorizes appropriations 	<ul style="list-style-type: none"> • <i>Program established under Watershed Protection and Flood Prevention Act as amended</i> • Funding provided in the 2002 Farm Bill • Mandatory funding: <ul style="list-style-type: none"> ○ \$45,000,000 FY 2003 ○ \$50,000,000 FY 2004 ○ \$55,000,000 FY 2005 ○ \$60,000,000 FY 2006 ○ \$65,000,000 FY 2007 ○ \$0 for fiscal year 2008 • Authorizing Appropriations <ul style="list-style-type: none"> ○ \$45 million for FY03 ○ \$55 million for FY04 ○ \$65 million for FY05 ○ \$75 million for FY06 ○ \$85 million for FY07
Voluntary Public Access and Habitat Incentive Program	<ul style="list-style-type: none"> • 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 make land available for access by the public for recreation, including hunting or fishing • \$50 million per year FY2009-12 	<ul style="list-style-type: none"> • No similar provision

Program	Food, Conservation and Energy Act of 2008	1985 Food Security Act as amended/current law
Wetland Conversion	<ul style="list-style-type: none"> • Eligible reviewers – FSA State ED with technical concurrence of the NRCS State Con or District Director with the technical concurrence of the Area Con to approve 	<ul style="list-style-type: none"> • No Similar Provision
Wetland Reserve Program	<ul style="list-style-type: none"> • 3,041,200 acres total • Land must be owned for 7 years prior to entering into an easement • 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 GRP) <ul style="list-style-type: none"> ○ 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 <p>Creates Wetlands Reserve Enhancement Program similar to CREP</p>	<ul style="list-style-type: none"> • Program established under Food Security Act of 1985 as amended by the 1990 Farm Bill, with additional amendments in 1996 and 2002. • Total enrollment not to exceed 2,275,000 acres • Annual enrollment up to 250,000 acres
Wildlife Habitat Incentives Program	<ul style="list-style-type: none"> • Private agricultural land, non-industrial private forest land, Tribal land, pivot corners • \$50,000 per year payment limit • \$85 million each FY 2009-12 	<ul style="list-style-type: none"> • Program established under 1985 Food Security Act as amended by 2002 Farm Bill • \$15 million FY02 • \$30 million FY03 • \$60 million FY04 • \$85 million FY05 • \$85 million FY06 • \$85 million FY07

Additional Provisions:

Agriculture Conservation Experienced Services Program

2008 Farm Bill - Secretary to establish ACES Program

Regional Equity

2008 Farm Bill - Increased from \$12 million to \$15 million

Payment Limitations

2008 Farm Bill – Program specific payment limits:

- \$300,000 over 6 years for EQIP; projects of environmental significance potential \$450,000 over 6 years
- Alters WRP payments for contracts under \$500,000 payment over 1 to 30 years; for contracts over \$500,000 payment over 5 to 30 years – Secretary can waive these provisions
- CSP payment limit of \$200,000 over 5 years
- GRP restoration agreements capped at \$50,000 per year
- WHIP payment limits of \$50,000 per year

2002 Farm Bill provisions were program specific with an AGI of \$2.5 million:

- AMA \$50,000 per year
- CRP \$50,000 per year
- CSP \$20,000 tier 1; \$35,000 tier 2; \$45,000 tier 3 (all per year)
- WRP \$50,000 per year (30 year and perpetual easements exempt)

- o EQIP \$450,000 up to 6 years
- o No current cap for Farmland protection (50% of easement), GRP or WHIP

State Technical Committee

2008 Farm Bill - Names updated on State Tech Committee (NRCS, FSA); Fish and Wildlife Service, Farmers Home Administration and Extension removed; adds owners of non-industrial 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

2008 Farm Bill - 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.

Technical Service Providers

2008 Farm Bill - 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

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

Assistance to Certain Farmers And Ranchers

2008 Farm Bill - 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

Resource Conservation and Development Program

2008 Farm Bill - Provides updates to the locally led planning process and responsibilities for the RC& D coordinator; requires coordinator assigned to each council

Other Provisions

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.

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, grass-like 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.

Adjusted Gross Income

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